

There is no point in holding up this legislation in view of the fact that, with regard to the reticulation of water, it has become a necessity for the economy of the reticulated areas; and basically it is intended that all of the growers should receive the maximum benefit under this amending Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 15th October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [7.54 p.m.]: Having passed the previous Bill, it is simply a matter of machinery to pass this measure in order that the joint legislation can become effective.

THE HON. G. C. MacKINNON (South-West) [7.55 p.m.]: The honourable Mr. Willesee has more than adequately explained the purpose of these two small Bills. I think it is fair to say that no government likes to place restrictions on schemes such as the irrigation scheme in the Harvey district, but costs and the extreme difficulty of obtaining water in this State make necessary the restrictions that are included in the Bill.

The great desire of people in some of the more closely settled areas to secure an extension of irrigation also makes it essential that the whole scheme be rationalised as far as possible; and I think it only fair to say that no government likes to impose any sort of restrictions if it is possible to avoid them. It is only in the light of experience that this slight restriction has been found necessary for the reasons outlined by the honourable Mr. Willesee.

I am quite sure the whole scheme will continue to operate with the great success that it has enjoyed in the past.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

House adjourned at 7.57 p.m.

Legislative Assembly

Tuesday, the 20th October, 1964

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The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

COUNTRY AREAS WATER SUPPLY ACT AMENDMENT BILL

Minister's Introductory Speech: Correction of Error in Hansard

THE SPEAKER (Mr. Hearman): I would like to draw attention to an error in *Hansard*. I refer to *Hansard* No. 8 of this year. For honourable members who are interested it appeared in the speech of the Minister for Water Supplies on the Country Areas Water Supply Act Amendment Bill.

On page 1035, in the second last paragraph in the left-hand column, the amount "2s. 4d." appears in the sentence, "Under the new scheme they will be rated at 2s. 4d. per acre." Actually the figure should be "2.4d." This was a typing error made in copying the Minister's notes.

QUESTIONS ON NOTICE
FLOODING AT HARVEY

Level of Weir and Diversion Work

1. Mr. HAWKE asked the Minister for Works:

- (1) What was the level of the overflow at the Harvey Weir when evacuation of homes at Harvey was ordered a few weeks ago?
- (2) What is considered to be the minimum level of overflow necessary to justify evacuation?

- (3) Was it considered flooding dangers at Harvey would be eliminated when the Harvey River diversion work and the Stirling Dam Weir were completed?
- (4) How long after the river diversion work was completed was it before the banks of the main drain were broken?
- (5) How many times since that date have the banks been broken again?

Mr. WILD replied:

- (1) 4 ft. 5½ in. and rising at a rate of approximately three-quarters of an inch per half-hour.
- (2) This depends on the rate of rise of the river in any given flood and the time necessary to complete the evacuation. In the particular flood in question the level at which evacuation should be ordered was assessed at 4 ft. 6 in.
- (3) No. Stirling Dam is an irrigation storage dam with no provision for major flood control. The Harvey River diversion capacity was designed to provide reasonable passage for floodwaters but not to eliminate flooding under all conditions.
- (4) Three months on the assumption that the question refers to the Harvey diversion drain.
- (5) Ten.

RAILWAY CONSTRUCTION AT NORTHAM: BLASTING OPERATIONS

Damage Caused to Property

2. Mr. HAWKE asked the Minister for Railways:

- (1) What were the causes responsible for the recent severe blasting explosion on the 3 ft. 6 in., railway construction work at Northam?
- (2) How many houses were damaged?
- (3) What other types of property were damaged?
- (4) Has all the damage which was caused been repaired?

Compensation Claims for Property Damage

- (5) Have any claims for financial compensation been received?

Prevention of Further Explosions

- (6) What special steps have been taken to prevent such dangerous explosions in the future?

Mr. COURT replied:

- (1) An abrupt change from hard to soft rock in a face which had been uniformly drilled and charged throughout.
- (2) Five.
- (3) Nil.

- (4) All external damage was repaired on the same day it occurred. Internal damage (ceiling and plaster) has been completed in one property and work on others is in hand.

(5) No.

- (6) Explosive charges have been reduced by half and heavy blasting mats are in use.

BOAT SAFETY

Installation of Sail and Spars on Fishing Craft

3. Mr. FLETCHER asked the Minister for Works:

- (1) Will he, if necessary, amend the Act or regulations to ensure that all fishing craft, amateur and professional, when at sea, shall carry sail and spars, under suitable conditions, to ensure that sail can be used as a "jury rig" to maintain progress in the event of engine breakdown?
- (2) If the answer is in the affirmative, will he insist that such sails are yellow, red, or other sea contrast colour for easy sighting by marine or air search craft?

Mr. WILD replied:

- (1) and (2) The Royal Commission now sitting is inquiring into all facets pertaining to fishing craft and it would be presumptuous at this stage to make further regulations until its report has been received.

MITCHELL FREEWAY PLANS

Road on River Side of Brewery

4. Mr. TONKIN asked the Minister for Works:

- (1) Do the plans for the Mitchell Freeway and related traffic interchange provide for a road to be constructed on the river side of the Swan Brewery?
- (2) Is it intended to construct a road on the river side of the brewery?
- (3) Has any estimate been made of the amount of river reclamation which would be required for the construction of a road round the brewery?
- (4) If "Yes," what is the required area?

Mr. WILD replied:

- (1) No.
- (2) No.
- (3) No.
- (4) Answered by (3).

TOTALISATOR AGENCY BOARD*Credit Betting: Government's Intention*

5. Mr. TONKIN asked the Premier:

- (1) Was it his Government's intention when securing the enactment of the Totalisator Agency Board Betting Act that it would provide for agents of the T.A.B. to maintain backers' accounts in credit to enable them to bet without the persons making the bets having first lodged with the T.A.B. sufficient money to cover the bets?
- (2) As he has stated, in effect, that the Act provides as above, if his answer to the question is "Yes," why was Parliament misinformed on this aspect of betting?
- (3) If his answer to (1) is "No," why has he not sought to have the Act amended to make it conform to his Government's intentions as stated to Parliament?

Mr. BRAND replied:

- (1) No.
- (2) Answered by (1).
- (3) Because it was not considered necessary to do so.

HOUSING AT BUSSELTON*Applicants*

6. Mr. ROWBERRY asked the Minister representing the Minister for Housing:

- (1) How many applicants in the Busselton area await the building of rental homes?
- (2) How many await purchase homes?
Homes Provided and Future Programme
- (3) How many houses in each of the above categories have been built in Busselton in the past five years?
- (4) How many in each category is it intended to build in the year 1964-1965?
- (5) How many homes suitable for pensioners have been built in each of the abovementioned years?
- (6) How many are to be built in the year 1964-65?

Mr. ROSS HUTCHINSON replied:

(1)—

Pensioner	....	2
Two-units	....	5
Larger units	....	44
		—
Total	....	51
		—

(2) Four.

(3) Forty-eight. Thirty-five applicants elected to purchase and 13 preferred rental.

- (4) There is a vacancy rate of approximately 10 houses per annum and it is proposed to erect 22 houses and the position to be reviewed at a later date. Allocations will be optional—rental or purchase.
- (5) Eight in 1959. At that time there were insufficient pensioner applicants and some of the flats were allocated to other small unit families. Six in 1963 on behalf of a charitable organisation.
- (6) As there are only two outstanding applications from pensioners, one of whom has nominated two alternative areas, the building of further flats at this time is not contemplated.

(Note: The build-up of other applicants in Busselton was received mainly in 1963-64, previous to which it was difficult to let houses when vacated, owing to the limited number of applicants.)

CROSSWALK AT JOONDANNA*Provision at Junction of Dunedin and Green Streets*

7. Mr. W. HEGNEY asked the Minister for Transport:

- (1) Has any consideration been given by his department to the establishment of a crosswalk at or near the junction of Dunedin and Green Streets, Joondanna?
- (2) If the reply to (1) is "Yes," what is the result of such consideration?
- (3) If the matter has not yet been considered, will he give attention to the advisability of establishing a crosswalk in view of the amount of vehicular and pedestrian traffic in the vicinity, including aged pedestrians from nearby aged people's homes in Osborne Street, Joondanna?

Mr. CRAIG replied:

- (1) No.
- (2) Answered by (1).
- (3) Yes. Arrangements will be made for the local authority to conduct the necessary preliminary survey.

MENTAL HOSPITALS*Commonwealth Benefits and Pensions for Patients*

8. Mr. FLETCHER asked the Minister for Health:

- (1) Has any request been made recently to the Commonwealth for mental patients to receive the

same consideration as other patients in public hospitals in respect of—

- (a) mental patients being entitled to receive pensions where otherwise eligible;
 - (b) eligible to receive hospital benefits;
 - (c) other social service benefit including sickness or unemployment?
- (2) If any request has been made what is the outcome?
 - (3) If the outcome is nil, does the Federal Government recognise by any monetary grant compensation to this State for having to support mental patients at State expense?

Representation on National Health and Medical Research Council

- (4) Has this State any mental health representation on the National Health and Medical Research Council?

Mr. ROSS HUTCHINSON replied:

- (1) to (3) The subject matter was discussed at the last Health Ministers' Conference in Melbourne in February last, and as recently as July was dealt with at a Premiers' Conference in Canberra.

The Commonwealth has undertaken to review this matter and advise the States later.

- (4) No.

PRAWNS

Establishment of Farms and a Culture Industry

9. Mr. FLETCHER asked the Minister for Fisheries:

- (1) Has any recommendation been made to Cabinet regarding the establishment of prawn farms in Western Australia similar to those existing in Japan?
- (2) If so, when is the House likely to hear of policy in this matter?
- (3) Has any invitation been extended to any Japanese expert in these matters—as suggested in *The West Australian* dated the 26th May, 1964—to investigate the prospects of establishing a prawn culture industry in Western Australia?
- (4) In view of the reported decline in Western Australian crayfish catches, will he hasten the fostering and expansion of the prawning industry in the manner suggested, with a view to ensuring no decline in our fishing fleet or economic benefit to our State?

Mr. ROSS HUTCHINSON replied:

- (1) No; but Cabinet was originally asked to approve the visit of a prawn culture expert from Japan,

who it was thought would be able to advise the department on the possibility of establishing prawn culture farms.

- (2) to (4) Talks were had with a Japanese expert regarding the matter of a visit to Western Australia. However, subsequently, it was learned that scientific techniques and processes necessary to the functioning of the industry would have to be carried out by Japanese personnel and not passed on to local fishermen. In view of the circumstances at present applying, the matter is in abeyance.

MALLET

Revenue from Sale of Bark, Timber, and Royalties

10. Mr. W. A. MANNING asked the Minister for Forests:

What was the total revenue in each of the last 20 years from—

- (a) Mallet on State forests—

- (i) sale of bark;
- (ii) sale of timber;
- (iii) royalties;
- (iv) any other revenue?

- (b) Mallet on Crown lands—

- (i) sale of bark;
- (ii) sale of timber;
- (iii) royalties;
- (iv) any other revenue?

- (c) Mallet on privately held land—

- (i) royalties;
- (ii) any other revenue?

Mr. BOVELL replied:

Separate figures for revenue from mallet on State Forests, Crown lands, and privately held land are not recorded.

Figures available for the past 20 years indicate revenue as follows—

Year	Revenue				
	Sale of Bark	Sale of Timber	Royalties	*Other	Total
	£	£	£	£	£
1944	3,601	...	6	5,458	9,065
1943	2,912	...	57	3,791	6,760
1942	2,137	...	1,339	3,358	6,834
1941	5,619	68	44	3,013	8,744
1940	3,794	259	538	2,905	7,496
1939	3,847	251	572	2,584	7,254
1938	4,455	1,611	21	2,809	8,896
1937	3,080	1,725	970	1,050	6,825
1936	2,297	663	227	1,102	4,289
1935	1,784	204	583	999	3,570
1934	1,280	1,268	261	...	2,749
1933	308	119	678	...	1,163
1932	2	238	351	...	621
1931	962	497	929	...	2,388
1930	602	601	214	...	1,417
1929	315	378	195	...	888
1928	...	138	166	...	304
1927	...	...	153	...	153
1926	372	3	70	...	451
1925	823	165	173	...	1,161
	38,250	8,128	7,581	26,809	80,828

* Revenue from sale of trees ex Dryandra Nursery. Excludes trees made available free of charge for departmental purposes.

EDUCATION DEPARTMENT*Amendments to Board and Supervision Allowance Regulations*

11. Mr. EVANS asked the Minister for Education:

- (1) Is he now able to inform me whether any determination has been made in connection with contemplated amendments to Education Department Regulations, 1960, Division 4—Board and Supervision Allowance?
- (2) If such amendments are proposed, when is it expected that these will become effective?

Mr. LEWIS replied:

- (1) No.
- (2) See answer to (1).

GOODS AND CHATTELS*Uniform Legislation for Recovery*

12. Mr. EVANS asked the Minister representing the Minister for Justice:

Will earnest consideration be given to having the following matter raised at an early meeting of the Attorneys-General and Ministers for Justice of the various Australian Governments with a view to the adoption of a uniform draft of a proposed law (for presentation to the various Parliaments in Australia) so as to provide a more reasonable form of protection and means of recovery of goods and chattels (including cases where items such as a motor vehicle, are the subject of a hire-purchase agreement) where such an item has been removed without authority of the owner, to another State?

Mr. COURT replied:

Details of the proposed law referred to in the question of the honourable member are not specific enough to determine whether the proposal is legally practicable and proper to be put to the Standing Committee of the Federal and State Attorneys-General. If the honourable member will consult with the Crown Law Department, and if the Minister for Justice is advised by the department that his proposal is legally practicable and one proper to meet the consideration of the committee with a view to a uniform law throughout the States and the Commonwealth, he would be prepared to submit it for the consideration of the standing committee.

DRAINAGE AT EDEN HILL*Scheme for New Mental Hospital*

13. Mr. BRADY asked the Minister for Water Supplies:

- (1) Was a drainage scheme arranged for the new mental hospital at Eden Hill via Guildford?
- (2) What is the cost of the drainage scheme for the new hospital area?
- (3) What is the distance of the hospital area from the Ivanhoe Street area, Eden Hill, subject to flooding in recent years?
- (4) What would be the approximate cost of connecting a drain from Ivanhoe Street to the hospital drainage scheme?

Mr. WILD replied:

- (1) Yes. The scheme is one designed for the drainage of the hospital site and does not form part of any drainage scheme controlled by the Metropolitan Water Supply, Sewerage and Drainage Board. The shire council contributed £741 10s. to the cost to enable the storm water from Lord Street to be connected into the system.
- (2) £10,893 17s.
- (3) Approximately 3,000 feet.
- (4) It is impracticable to drain from Ivanhoe Street to the hospital drainage scheme. The affected area north of Walter Road and in the vicinity of Ivanhoe Street should be drained south to the Brook Street main drain, which has been recently constructed by the board. The provision of the requisite lateral drainage is a local authority responsibility and a portion of this drain has already been constructed by the Shire of Bassendean.

Department's Plan and Anticipated Expenditure

14. Mr. BRADY asked the Minister for Water Supplies:

- (1) Has the department a plan for drainage of the Eden Hill area?
- (2) What stage (if any) is the plan at present?
- (3) At what is the anticipated expenditure on this drainage scheme for the current year?

Bassendean Shire Council's Plan

- (4) Has the Bassendean Shire Council a plan to work in with the government scheme?
- (5) At what stage is the shire council's plan at present?

Mr. WILD replied:

- (1) The board has plans for drainage of the northern and eastern areas. The southern area (Ivanhoe Street) will be drained to the board's Brook Street main drain by lateral drains constructed by the Shire of Bassendean.
- (2) The board's plans are in a preliminary stage only.
- (3) No funds have been provided for drainage of this area in the current financial year. The board has already constructed the Brook Street main drain to provide an outlet for the southern area.
- (4) There has been consultation between officers of the board and the Shire of Bassendean on these drainage schemes.
- (5) The shire has constructed part of the branch drain from the board's Brook Street drain to relieve the Ivanhoe Street area. It is understood that the shire intends to complete this work in the coming summer.

AGED PEOPLE IN HOSPITALS AND INSTITUTIONS

Vitamin Tablets: Reduction in Cost

15. Mr. HALL asked the Minister for Health:

- (1) As vitamin tablets are now being used extensively by the aged in "C"-class hospitals, and otherwise, will he undertake to take the matter up with the Commonwealth Government with a view to obtaining vitamin tablets free to the aged, or at considerably reduced prices?

Writing Materials: Supply by Government

- (2) Does the State Government make available to "C"-class hospitals and other aged institutions writing materials for the use of the aged?
- (3) If the answer to (2) is "No," will he undertake to have the matter looked into with a view to supplying such material to "C"-class hospitals?

Mr. ROSS HUTCHINSON replied:

- (1) No. Vitamins are already available to pensioners on pharmaceutical benefits.
- (2) No.
- (3) No. In private hospitals this is a matter for the management to arrange. I am not aware of any hardship in Government institutions.

ALBANY REGIONAL HOSPITAL

Oil Requirements: Firms Supplying and Quotes

16. Mr. HALL asked the Minister for Health:

- (1) How many firms supply oil for fuelling and other purposes to the Albany Regional Hospital on a monthly turn basis?
- (2) What are the names of the firms supplying oil to the Albany Regional Hospital on a monthly turn basis?
- (3) What are the quotes submitted by the individual oil firms respective to monthly supply of fuel and other oils to the Albany Regional Hospital?

Mr. ROSS HUTCHINSON replied:

- (1) Four.
- (2) Shell Company of Australia Ltd. Neptune Oil Company Pty. Ltd. BP Australia Ltd. Mobil Oil Australia Ltd.
- (3) Albany Regional Hospital takes its supplies under a general contract called annually by the Government Tender Board for all government supplies. Under this contract fuel (furnace) oil is supplied at contract rates plus the differential charge of 25s. per ton. The small quantity of motor spirit and motor oil used for transport purposes is not included in the above and is secured under Tender Board contract rates through the Public Works Department depot.

UNMARRIED MOTHERS

Number, and Source of Income

17. Mr. HALL asked the Minister representing the Minister for Child Welfare:

- (1) How many unmarried mothers are in this State?
- (2) What income does an unmarried mother receive in this State from child welfare and social services, when maintenance is not paid—
 - (a) unmarried mother and one child;
 - (b) unmarried mother and two children;
 - (c) unmarried mother and three children;
 - (d) unmarried mother and four children?
- (3) Can an unmarried mother claim a widow's pension for herself, and child allowances, when the father of the child or children cannot be traced?

- (4) Can an unmarried mother claim a widow's pension for herself and child or children's allowance, when the father of the children concerned is under gaol sentence?

Mr. CRAIG replied:

- (1) Unknown, as no statistics are kept under this heading by the Government Statistician.
- (2) (a) Social Services, £4 17s. 6d.; Child Welfare, £2 5s.; total per week, £7 2s. 6d.
- (b) Social Services, £5 12s. 6d.; Child Welfare, £2 5s.; total per week, £7 17s. 6d.
- (c) Social Services, £6 7s. 6d.; Child Welfare, £2 5s.; total per week, £8 12s. 6d.
- (d) Social Services, £7 2s. 6d.; Child Welfare, £2 5s.; total per week, £9 7s. 6d.

These figures relate to adult unmarried mothers. Where no social service benefits are available the Child Welfare Department pays the total weekly amount quoted above.

- (3) No.
(4) No.

NARROGIN AGRICULTURAL HIGH SCHOOL

Penalties or Fines for Students

18. Mr. JAMIESON asked the Minister for Education:

- (1) Have the individual masters at the Narrogin Agricultural High School the right to inflict penalties or fines on students without prior approval of the principal?
- (2) If so, what penalties?
- (3) How many students are enrolled at this school?

Staff and Duties

- (4) What is the total number of staff employed at the high school?
- (5) What are the respective duties of each employee?

Expulsion of Students

- (6) How many students have been expelled or excluded from this school during the last five years?

Mr. LEWIS replied:

- (1) and (2) No.
- (3) 730.
- (4) 37.
- (5) Principal—Administration.
Deputy Principal—Administration and discipline of boys.
Principal Mistress—Discipline of girls and teaching.
Senior Masters (main school)—Organisation and Supervision of subject departments and teaching.

Senior Master (Agric. Wing)—Supervision resident students and organisation of agricultural studies.

Masters and Mistresses—Teaching and minor administration where necessary.

- (6) Expelled—none.

Excluded—occasionally a student has been excluded for a few days pending discussion with parents.

FIRE HAZARD

Timber on Lot 50, Howe Street, Osborne Park

19. Mr. W. HEGNEY asked the Minister for Lands:

- (1) Is he aware that timber lying on lot 50 Howe Street, Osborne Park, at the rear of residences 9 and 11 Ruse Street, Osborne Park, constitutes a serious fire hazard to those and other residences in the neighbourhood?
- (2) Does he consider this to be contrary to the provisions of the Bush Fires Act, 1954-1963?
- (3) Will he take effective action to have this hazard removed?

Mr. BOVELL replied:

- (1) No.
- (2) Answered by (1).
- (3) The firebreak order issued by the Perth Shire Council requires a firebreak 6 feet wide around Lots 50 and 51 Howe Street and the occupier has until the 30th November to provide these. No action could be taken until the time given in the shire council's order expires, when the only possible course would be to carry out the terms of the order if the occupier has failed to do so.

FIRST AID

Inclusion in Junior Certificate Subjects

20. Mr. D. G. MAY asked the Minister for Education:

- (1) Is he aware that 176,000 outpatients were treated at the Royal Perth Hospital last year?
- (2) Is he further aware that there has been an alarming increase in road, industrial, and home accidents during the current year?
- (3) In an endeavour to inculcate in the youth of Western Australia a more accident-conscious awareness, will he give consideration to first aid being included as a voluntary subject for the Junior Examination Certificate?

Mr. LEWIS replied:

- (1) No.
(2) Yes.

- (3) The Public Examinations Board and not the Education Department decides what subjects shall be included in the Junior Certificate. The new health education syllabus for secondary schools includes sections on accident prevention. The aim is to develop a positive attitude towards accident prevention. There is considerable doubt as to whether formal examining of such material will achieve any results.

GOVERNMENT OFFICES

Timetable for Erection and Penalties for Default

21. Mr. HEAL asked the Minister for Works:

- (1) What is the timetable for the erection of the new government offices and the penalties for default?
- (2) Have any breaches yet occurred?
- (3) If so, what penalties have been imposed?
- (4) Have any alterations been made to the penalty clauses since the original contract?
- (5) If so, what are they?

Mr. WILD replied:

- (1) The contractor was given possession of the site on the 5th September, 1963, and the date of completion was set down as the 31st May, 1965. This completion date has been extended by eight days. Liquidated and ascertained damages are £2,500 per week.
- (2) Breaches cannot be ascertained until after the approved completion date.
- (3) Answered by (2).
- (4) No.
- (5) Answered by (4).

PYRITES AT KOOLYANOBING

Deposit, and Position of B.H.P.

22. Mr. CORNELL asked the Minister representing the Minister for Mines:

- (1) Does a deposit of pyrites exist at Koolyanobbing?
- (2) If so—
 - (a) what is the approximate extent of the deposit;
 - (b) has the deposit been drilled and evaluated and, if so, with what results;
 - (c) does all or any of the deposit lie within the area reserved to B.H.P. Limited and, if so, has that company the right to mine pyrites?

Mr. BOVELL replied:

- (1) Yes.
- (2) (a) There are two deposits about 2½ miles apart.
 - (i) Dowd's Hill deposit—figures indicate minimum reserves of 8 million tons of pyritic ore and in
 - (ii) Koolyanobbing ore body A deposit—1.5 million tons.
- (b) The Koolyanobbing pyrite deposits were drilled by the Mines Department between 1952 and 1955.

Dowd's Hill area pyritic ore was intersected in three holes over a length of 1,500 feet along the strike at vertical depths below the surface of 1,090 feet, 560 feet and 500 feet, respectively. True widths of pyritic ore were 65 feet, 224 feet and 30 feet containing a weighted average of 35.24 per cent., 24.60 per cent. and 38.87 per cent. sulphur over the full width of the lode.

Ore body A in the Koolyanobbing Hills was penetrated by three holes over a length of 1,100 feet along the strike at vertical depths of 850 feet, 620 feet and 740 feet, respectively. True widths of pyritic ore were 56½ feet, 21½ feet and 68 feet containing a weighted average of 33.19 per cent., 39.83 per cent. and 35.12 per cent. sulphur, respectively, over the full width of the lode.

(All information regarding the department's drilling for pyrites in the Koolyanobbing area is contained in G.S.W.A. Bulletin No. 111.)

- (c) Yes. Clause 8(8) of the schedule to the B.H.P. Integrated Steel Works Agreement Act, 1960, sets out the company's rights regarding pyrites in its leases.

HIGH SCHOOLS

Capital Expenditure and Items Involved

23. Mr. BURT asked the Minister for Education:

- (1) What expenditure of a capital nature was made during the eight years to the 30th June, 1954, at—
 - (a) Kent Street High School;
 - (b) Northam High School;
 - (c) Eastern Goldfields High School?

- (2) What were the main items on which this expenditure was made at each of these three schools?

Mr. LEWIS replied:

- (1) (a) £42,765.
(b) £26,036.
(c) £11,623.

- (2) Kent Street High School:

Bristol prefabs., furniture and extensions.

Northam High School:

Prefab. buildings, domestic science and manual trades centres, levelling of the oval, and furniture.

Eastern Goldfields High School:

Lavatories, showers, removal of buildings ex Boulder.

DARRYL BEAMISH APPEAL: CLAIM BY ERIC COOKE

C.I.B. Inquiries

24. Mr. HAWKE asked the Minister for Police:

- (1) In connection with the C.I.B. inquiries carried out this year relating to the appeal made to the Court of Criminal Appeal on behalf of Darryl Beamish, was any inquiry carried out by a member of the C.I.B. or other police officer in connection with Eric Cooke's claim that Jillian Brewer spoke a few words after he had allegedly attacked her with fatal results?
- (2) If so, who made the inquiry?

Medical Report

- (3) Which medical man, if any, supplied a report?
- (4) What information was contained in the report?
- (5) Was the report or the essence of it placed before the judges who constituted the Court of Criminal Appeal in this case?

Mr. CRAIG replied:

- (1) Yes.
- (2) Inspector (then Detective-Sergeant H. D. Burrows) and Detective-Sergeant A. J. Parker.
- (3) A verbal opinion was obtained from the Police Medical Officer, Dr. A. T. Pearson.
- (4) The medical opinion was that, whilst it was most unlikely that the deceased would have been able to speak after receiving the throat injury, it was not impossible.
- (5) No.

DARRYL BEAMISH: NEW TRIAL

Admissibility of Eric Cooke's Affidavit

25. Mr. HAWKE asked the Premier:

In the event of a move being made in Parliament for the granting of a new trial to Darryl Beamish and the move succeeding, would the affidavit sworn by Eric Cooke, in which he claimed to have committed the crime for which Beamish was found guilty, be admissible as evidence?

Mr. BRAND replied:

On the 15th August, 1961, Darryl Beamish was found guilty by a jury of the wilful murder of Jillian MacPherson Brewer. The trial was presided over by The Honourable Sir Albert Wolff, Chief Justice of the Supreme Court.

Beamish appealed from his conviction to the Court of Criminal Appeal. The appeal was heard on the 19th, 20th, and 21st September, 1961, and on the 20th October, 1961, the court unanimously dismissed the appeal.

Beamish applied to the High Court of Australia for special leave to appeal from the decision of the Court of Criminal Appeal. The High Court of Australia heard the application on the 11th December, 1961, and forthwith refused it.

By petition dated the 6th December, 1963, Beamish sought the exercise of the royal prerogative of mercy on the ground of fresh evidence. The evidence was contained primarily in the form of an affidavit sworn by one Eric Edgar Cooke in which he asserted that he had killed the girl Brewer. On the 4th February, 1964, the Minister for Justice, in the exercise of his discretion under section 21 of the Criminal Code, referred the whole case to the Court of Criminal Appeal. It was thereafter dealt with by the court as an appeal.

The appeal was heard by the Court of Criminal Appeal on the 27th February, 1964, and on the 17th, 18th, 19th, and 20th March, 1964. On the hearing of the appeal the affidavit of the said Eric Edgar Cooke was before the court, and Cooke was examined by both the Crown counsel and by counsel appearing for Beamish. The proceedings were recorded on tape and have since been transcribed. On the 22nd May, 1964, the court consisting of the three Justices of the Supreme Court unanimously dismissed the appeal.

On the 11th September, 1964, the High Court of Australia heard an application by Beamish for special leave to appeal from the decision of the Court of Criminal Appeal. The court forthwith refused the application.

Solicitors for Beamish have advised the Crown that they had not received any instructions to appeal to the Privy Council and did not expect to receive any such instructions; and, apart from a successful appeal by Beamish to the Privy Council, the only avenue now open whereby Beamish conceivably could secure a new trial would be by way of a new petition raising new matters of substance and leading to a proceeding under section 21 of the Criminal Code followed by a new trial being ordered. If there is anyone in possession of any such new matters, he should produce them without delay.

The Criminal Code provides that only a court can grant a new trial and in the event of such a trial, the affidavit and oral testimony sworn by Eric Edgar Cooke would not be admissible.

GOVERNMENT WARDS

Adequacy of Schooling

26. Mr. DAVIES asked the Minister representing the Minister for Child Welfare:

- (1) What action is taken by the Government to ensure that all wards in private and Government institutions receive full schooling?
- (2) Is schooling provided at the Government's Children's Receiving Home, Mt. Lawley?
- (3) Is schooling available to children in private and Government institutions once such children reach the legal school-leaving age?
- (4) What check does the Government carry out to ensure that no child is denied schooling if so desired?

Mr. CRAIG replied:

- (1) The Child Welfare Department, in conjunction with the Education Department, checks regularly on school attendances and progress of its wards.
- (2) A school teacher is employed at the Child Welfare Reception Home for difficult children. Other children attend primary school at Maylands and appropriate high schools daily.
- (3) Yes, and the departmental subsidy is continued where necessary.

- (4) The Government through child welfare field and professional officers, specialist services of the Education Department, and institution authorities co-operate in assessing the ability of wards to absorb higher education. Those found to be capable are encouraged to continue schooling and the departmental subsidy is continued for this purpose.

NARROGIN AGRICULTURAL HIGH SCHOOL AGRICULTURAL WING

Financial Details

27. Mr. W. A. MANNING asked the Minister for Education:

Regarding the Agricultural Wing of the Narrogin Agricultural Senior High School, will he advise—

- (a) the amount by which the farm working expenses exceeded the revenue in 1955;
- (b) whether this loss was converted to a profit in 1963; if so, what profit;
- (c) what was the farm revenue in—
 - (i) 1959;
 - (ii) 1963;
- (d) the amount of fodder purchases brought on to the property in—
 - (i) 1954;
 - (ii) 1963;

Building

- (e) when the old dormitories were built;
- (f) of what materials they were built;
- (g) whether he considers them satisfactory;
- (h) if he has knowledge of students at any school or college, government or private, living in such conditions; if so, where;

Loan Fund Assistance

- (i) whether an institution which can convert a heavy loss to the department into a profit (looking at it purely from a financial aspect) deserves some consideration from loan funds to provide suitable living conditions;
- (j) if not, why not?

Mr. LEWIS replied:

- (a) £33,285 16s. 1d.
- (b) Yes, £984 4s. 10d.
- (c) (i) £15,100.
- (ii) £21,745.
- (d) (i) £12,404.
- (ii) £1,497.

- (e) The farm site was taken over by the Education Department in 1921. Prior to 1921 the farm was conducted by the Department of Agriculture and the buildings date back to that time. The exact date cannot be determined with accuracy.
- (f) Timber-framed, covered with corrugated iron sheeting and more recently renovated with asbestos sheeting.
- (g) Not by modern standards.
- (h) Yes. Harvey and Cunderdin agricultural schools, where buildings of wartime construction have been made available from the Commonwealth Government. The position at non-government schools is not known.
- (i) and (j) A new brick dormitory to accommodate 48 students was built at Narrogin in 1962. The needs of Narrogin for further accommodation must be examined in relation to the needs of all schools in general and other agricultural schools in particular. In addition, money has been spent on a number of other facilities required by agricultural schools, including Narrogin.

ROOSTERS

Legislation for Prohibition in Metropolitan Area

28. Mr. GRAYDEN asked the Minister representing the Minister for Local Government:

- (1) Are many complaints received by the Local Government Department in respect of the noise nuisance created by crowing roosters in the metropolitan area?
- (2) Is it considered that legislation to prohibit the keeping of roosters in the metropolitan area should be introduced and, if not, why not?

Mr. NALDER replied:

- (1) No.
- (2) No. To do so would adversely affect the livelihood of numerous poultry farmers, and the accepted right of the individual to keep a few fowls.

ALKALI LANDS

Percentage within Yilgarn Shire Council Boundaries

29. Mr. KELLY asked the Minister for Agriculture:

- (1) What percentage of land within the boundaries of the Yilgarn Shire Council would come into the alkali category—
 - (a) high;
 - (b) medium;
 - (c) low?

- (2) Which of the three types would be suited to—
 - (a) cereal production;
 - (b) grain and sheep;
 - (c) borderline;
 - (d) unsuitable for either grain production or grazing;
 - (e) grazing only?

Variation of Soil Types

- (3) Is there a sharp alkali variation of soil types in any of the areas adjacent to Southern Cross, Marvel Loch, Bullfinch, Moorine Rock, Corinthia, Miners Settlement, Turkey Hill, Ghooli, Nevoria, and Parkers Range?

Date of Last Reconnaissance

- (4) When was a reconnaissance of these lands last carried out?

Mr. NALDER replied:

- (1) No assessment of the salt (alkali) status of all the land in the Yilgarn Shire has been made. From reconnaissance work and surveys in the central and southern parts of the shire and the adjacent Westonia Shire it can be said that soils of the scrub plains and mallee areas are low in salt; so are large tracts of land timbered or originally timbered with salmon gum. The powdery soils of the morrel and yorrel country and the heavy soils of gimlet areas, especially those adjacent to salt lakes and channels, often have medium to high salt status.

- (2) Climatic conditions and economic conditions, as much as, if not more than, salt (alkali) status, will determine the suitability of various classes of land for cereal production or grazing or combinations of both.

Where climatic conditions are suitable, as in the south-western parts of the shire, cereals and stock combine well on the general range of soils. Where the rainfall is lower and more uncertain, as in the east and north-east of the shire, any production may be restricted to extensive grazing by sheep and cattle. Limited areas of badly salt-affected land on farms will be unsuitable for cereal grain production, but will provide useful grazing.

- (3) There are considerable variations in salt (alkali) content of the various major soil types in all areas mentioned as indicated in the answer to question (1).

The salt (alkali) content of the various soil types in areas adjoining those mentioned would be expected to be generally similar to the salt status of soils in the areas named.

- (4) Reconnaissance work to study soil types and salt (alkali) status was carried out in some of these areas in 1929-1932.

YILGARN AREA: UNALIENATED LAND

Decision of Committee

30. Mr. KELLY asked the Minister for Lands:

- (1) What decision has been reached by the committee appointed by him to examine the unalienated land in the south and south-east Yilgarn, bordered by a line extending from Karalee to Mt. Day, back to Nevoria thence to Ghooli?

Acreage

- (2) What would be the approximate acreage in this area of land?
- (3) How many acres are held in reserve by—
- Mines;
 - Flora and fauna;
 - Public Works Department;
 - Forestry;
 - any other reserves;
 - unalienated Crown lands?

Rainfall Data

- (4) Have any authentic and constant rainfall data been kept over a period of the past 25 years; if so, by whom, and with what general result?

Mr. BOVELL replied:

- (1) The committee has submitted a recommendation but I have asked for further information to enable me to reach a decision.
- (2) About 1,052,300 acres, including an area of about 55,500 acres in process of alienation.
- (3) (a) About 15,300 acres.
(b) About 338,900 acres.
(c) About 9,900 acres.

- (d) About 3,200 acres.
(e) About 31,100 acres.
(f) About 598,400 acres.

- (4) Commonwealth Bureau of Meteorology reports average rainfall for Marvel Loch, over a period of 40 years, is 12.28 inches; and for Yellowdine, over a period of 24 years, 10.84 inches.

WATER CHARGES: APPEALS AGAINST INCREASES

Number Upheld and Number Disallowed

31. Mr. HALL asked the Minister for Water Supplies:

- (1) How many appeals were lodged with the Public Works Department Country Water Supply Branch against excessive increased water charges for the years 1961, 1962, 1963, 1964?
- (2) Of the number of appeals lodged for the respective years, how many were upheld and how many were disallowed?

Towns Where Lodged

- (3) What are the names of the towns where appeals were lodged and what was the number of appeals lodged in the respective towns for the years 1961, 1962, 1963, 1964?

Mr. WILD replied:

- (1) Country water supplies appeals lodged were as follows:

1964	1963	1962	1961
73	282	184	525

- (2) Appeals upheld:

1964	1963	1962	1961
27	103	115	235

Appeals disallowed:

1964	1963	1962	1961
46	179	69	290

- (3) The names of the towns where appeals were lodged and number of appeals, with decisions given, are shown on the following list:—

COUNTRY WATER SUPPLIES

Summary of Appeals Lodged and Decisions thereon, 1961 to 1964

Town	1964			1963			1962			1961		
	Total Number Lodged	Number Allowed	Number Disallowed	Total Number Lodged	Number Allowed	Number Disallowed	Total Number Lodged	Number Allowed	Number Disallowed	Total Number Lodged	Number Allowed	Number Disallowed
Albany	25	8	17	22	10	12	17	9	8	274	103	171
Augusta ....	.....	Still open	.....	1	1	.....	5	.....	5	Nil	.....	.....
Allanson ....	.....	Still open	.....	Nil	.....	.....	1	.....	1	Nil	.....	.....
Ardath	Nil	.....	.....	1	.....	1	Nil	.....	.....	Nil	.....	.....
Boyup Brook ....	.....	Still open	.....	21	4	17	Nil	.....	.....	Nil	.....	.....
Bridgetown ....	.....	Still open	.....	1	1	.....	1	.....	1	Nil	.....	.....
Bruce Rock ....	.....	Still open	.....	2	2	.....	1	.....	1	Nil	.....	.....
Brunswick ....	.....	Still open	.....	16	.....	16	Nil	.....	.....	1	1	.....
Bullfinch ....	.....	Still open	.....	1	1	.....	2	2	.....	1	.....	1
Boulder ....	.....	Still open	.....	1	1	.....	3	3	.....	3	3	.....
Beverley	2	1	1	Nil	.....	.....	7	6	1	Nil	.....	.....
Barballn ....	.....	Still open	.....	1	1	.....	Nil	.....	.....	1	.....	1

COUNTRY WATER SUPPLIES

Summary of Appeals Lodged and Decisions thereon, 1961 to 1964

Town	1964			1963			1962			1961		
	Total Number Lodged	Number Allowed	Number Dis-allowed	Total Number Lodged	Number Allowed	Number Dis-allowed	Total Number Lodged	Number Allowed	Number Dis-allowed	Total Number Lodged	Number Allowed	Number Dis-allowed
Carnamah	....	Still open	....	NH	....	....	1	....	1	NH	....	....
Collie	....	Still open	....	5	3	2	10	4	6	1	1	....
Coolgardie	....	Still open	....	NH	....	....	NH	....	....	4	4	....
Cue-Day Dawn	NH	....	....	NH	....	....	1	1	....	2	1	1
Corrigin	....	Still open	....	NH	....	....	NH	....	....	1	1	....
Calingiri	....	Still open	....	NH	....	....	1	1	....	....	....	....
Coorow	....	Still open	....	NH	....	....	NH	....	....	2	2	....
Cunderdin	2	1	1	NH	....	....	NH	....	....	NH	....	....
Cadoux	NH	....	....	2	....	2	NH	....	....	NH	....	....
Dalwallinu	....	Still open	....	NH	....	....	NH	....	....	1	1	....
Darlington	2	1	1	6	....	6	5	2	3	14	7	7
Derby	2	2	....	NH	....	....	NH	....	....	1	1	....
Dumbleyung	1	....	1	NH	....	....	NH	....	....	....	....	....
Dwellingup	....	Still open	....	NH	....	....	1	....	1	NH	....	....
Donnybrook	....	Still open	....	1	....	1	2	....	2	NH	....	....
Denham	NH	....	....	1	1	....	NH	....	....	NH	....	....
Denison	....	Still open	....	NH	....	....	1	....	1	4	4	....
Denmark	....	Still open	....	6	3	3	5	3	2	17	15	2
Geraldton	NH	....	....	33	10	23	26	10	7	NH	....	....
Gnowangerup	....	Still open	....	2	....	2	1	....	1	NH	....	....
Goomalling	1	....	1	NH	....	....	1	1	....	NH	....	....
Greenbushes	....	Still open	....	2	....	2	NH	....	....	NH	....	....
Hines Hill	1	1	....	1	....	1	NH	....	....	NH	....	....
Kororelooking	1	1	....	NH	....	....	NH	....	....	NH	....	....
Kellerberrin	4	1	3	1	1	....	2	1	1	1	1	....
Kalgoorlie	....	Still open	....	7	7	....	22	22	....	11	7	4
Katanning	....	Still open	....	4	....	4	2	....	2	4	1	3
Koorda	....	Still open	....	1	....	1	NH	....	....	1	1	....
Leonora	NH	....	....	1	1	....	NH	....	....	NH	....	....
Manjimup	4	1	3	17	10	7	NH	....	....	NH	....	....
Margaret River	....	Still open	....	64	15	49	1	1	....	2	....	2
Meekatharra	NH	....	....	1	....	1	NH	....	....	NH	....	....
Mount Barker	....	Still open	....	1	1	....	1	1	....	2	....	2
Mount Magnet	NH	....	....	NH	....	....	NH	....	....	3	....	3
Mullewa	NH	....	....	1	1	....	NH	....	....	NH	....	....
Mundaring	1	Withdrawn	....	4	....	4	4	2	2	NH	....	....
Merredin	5	....	5	5	1	4	7	4	3	1	1	....
Meckering	2	....	2	NH	....	....	1	....	1	3	2	1
Mininville	NH	....	....	NH	....	....	1	....	1	NH	....	....
Narembeen	....	Still open	....	NH	....	....	1	1	....	NH	....	....
Narrogin	....	Still open	....	16	6	10	2	1	1	2	1	1
Northam	10	4	6	21	17	4	32	19	13	157	74	83
Nannup	....	Still open	....	1	1	....	2	2	....	NH	....	....
Onslow	1	1	....	NH	....	....	2	2	....	1	1	....
Ongerup	....	Still open	....	1	....	1	NH	....	....	NH	....	....
Perenjori	3	2	1	NH	....	....	NH	....	....	NH	....	....
Pemberton	....	Still open	....	1	1	....	2	1	1	NH	....	....
Pingelly	3	1	2	2	1	1	3	2	1	NH	....	....
Pinjarra	....	Still open	....	1	1	....	NH	....	....	2	....	2
Roebourne	NH	....	....	1	1	....	1	1	....	NH	....	....
Southern Cross	....	Still open	....	NH	....	....	1	....	1	1	1	....
Shackleton	1	....	1	NH	....	....	NH	....	....	NH	....	....
Toodyay	1	1	....	NH	....	....	NH	....	....	NH	....	....
Tammin	NH	....	....	NH	....	....	NH	....	....	2	1	1
Wittenoom	NH	....	....	NH	....	....	NH	....	....	1	1	....
Wagin	1	1	....	NH	....	....	NH	....	....	2	2	....
Wyalkatchem	....	Still open	....	NH	....	....	NH	....	....	1	....	1
Yarloop	1	....	1	NH	....	....	NH	....	....	1	1	....
York	NH	....	....	5	....	5	5	4	1	NH	....	....
Totals	73	27	46	282	103	179	184	115	69	525	235	290

Appeals for the current year of some undertakings, depending on the rating year, are still to be received. This is indicated above by the words "Still open."

HIGH SCHOOL GYMNASIUMS

Location and Cost

32. Mr. HALL asked the Minister for Education:

- (1) How many high schools in this State have double gymnasiums?
- (2) What are the names of the high schools concerned and when was the amenity supplied in each case?
- (3) What was the cost to the Government in each case—
 - (a) for the erection;
 - (b) for the equipment?
- (4) How many high schools in this State have single gymnasiums?
- (5) What are the names of the high schools concerned and when was the amenity supplied in each case?
- (6) What was the cost to the Government in each case—
 - (a) for the erection;
 - (b) for the equipment?

Mr. LEWIS replied:

- (1) Two.
- (2) Governor Stirling—1960.
Perth Modern—1960.
- (3) The specific information requested is not available as the work in each case was carried out in conjunction with other work and the costs of the gymnasiums formed a portion of the total costs of the work carried out.
- (4) Three.
- (5) Mt. Lawley High—1956.
Armada High—1957.
John Curtin—1958.
- (6) See answer to (3).

QUESTIONS WITHOUT NOTICE

CAPITAL PUNISHMENT

"Four Corners" Presentation of Eric Cooke Case

1. Mr. H. MAY asked the Premier:
The following item appeared in today's issue of *The West Australian*:—

TV Film on Cooke.

"Four Corners", the A.B.C. television show on current affairs, will study the circumstances of the execution of Eric Cooke and the question of capital punishment in W.A. in its programme this week.

The "Four Corners" team—interviewer John Penlington, a cameraman and sound recordist—are filming the show in Perth this week.

Filmed reports and interviews will be sent to Sydney for processing and are expected to arrive back in W.A. in time to be shown on ABW at 9.5 p.m. on Saturday.

It is the first time a segment of this show has been filmed in W.A. since the 1962 Commonwealth Games.

- (1) Has the Premier seen this item?
- (2) If so, does he approve of this gruesome commercialisation of capital punishment?
- (3) If not, will he take immediate action to have this matter fully investigated with a view to preventing the film from being shown?

The SPEAKER (Mr. Hearman): May I point out to the honourable member that this question refers to a matter that is not within the jurisdiction of the Premier, although he may be able to answer it. However, I repeat it is not within his department.

Mr. BRAND replied:

I was about to say that I do not altogether agree with this. I certainly feel that the honourable member for Collie has raised a reasonable query; but as you have said, Sir, it is a matter over which I have no control. I believe that some interviews with Mrs. Cooke have already been televised by another channel—

Mr. H. May: Shocking!

Mr. BRAND: —and I am not prepared to make any further comment.

2. Mr. H. MAY: Arising from the Premier's answer, may I suggest that he take such action as is necessary for an approach to be made to the authorities on this matter to prevent the film being shown?

Mr. BRAND: I am prepared to raise the point as put forward by the honourable member for Collie.

Mr. H. May: Thank you.

RADIOACTIVE WASTE

Dumping in Western Australia

3. Mr. BICKERTON asked the Premier:
 - (1) Did he see an article in the *Sunday Times* which dealt with the dumping of radioactive waste in Western Australia, in which the north-west was mentioned and, in particular, in which reference was made to two towns in the north-west?

- (2) Has he been approached by the Commonwealth authorities, or any other authority concerning the dumping of radioactive waste in Western Australia?
- (3) If so, will he supply the House with the details?

Mr. BRAND replied:

- (1) to (3) I certainly will make whatever inquiries are necessary, but honourable members on the other side of the House should get together on these matters. The honourable member for Maylands has given me written notice of a question without notice, and to save his getting on to his feet I will read the answer now.

Mr. Bickerton: I did not know he had supplied to you.

Mr. BRAND: The question asked by the honourable member for Maylands is:

Regarding the American proposal to dispose of atomic waste in Western Australia as reported in the *Sunday Times* of the 18th October, will he inform the House as to the following:—

- (1) Has any official approach in this matter been made to the Government?
- (2) What is the Government's view of the suggestion?
- (3) Will he give an assurance that the Government will never allow any part of this State to become the "atomic waste dump" of the world?

The answers to those questions are as follows:

- (1) No.
- (2) and (3) The Government opposes the suggestion and will take every measure necessary to protect the present and future interests of Western Australia in this matter.

BUS STAND IN MT. LAWLEY

Resiting: Tabling of Papers

4. Mr. OLDFIELD asked the Minister for Works:

Will he lay upon the Table of the House all papers relating to the request by the Mt. Lawley State School Parents and Citizens' Association to the Traffic Engineering Branch of the Main Roads Department that the bus stand at the corner of Third Avenue and Beaufort Street be resited or, alternatively, that a "No Parking" area be created between the bus stand and the crosswalk?

Mr. WILD replied:

I will have to give consideration to the honourable member's question and let him know tomorrow.

ROOSTERS

Mass Caponisation in Metropolitan Area

5. Mr. CORNELL asked the Minister for Agriculture:

Adverting to his answer to question 28 on today's notice paper, would he give consideration to mass caponisation of roosters in the metropolitan area with a view to ensuring that, bereft of all desire, the birds would have nothing to crow about?

(The Minister made no reply.)

GOVERNMENT EMPLOYEES' DISTRICT ALLOWANCE

Inclusion in Annual Holiday Pay

6. Mr. BRAND (Premier): Have I your permission, Mr. Speaker, to make reference to an answer which I have previously given to a question asked in this House?

The SPEAKER (Mr. Hearman): Yes.

Mr. BRAND: On Wednesday, the 26th August, the honourable member for Kalgoorlie asked me the following questions:—

- (1) Is a Government employee entitled to receive the district allowance increment in his annual holiday pay, appropriate to his district of employment, e.g., Kalgoorlie-Boulder, when the employee spends his holidays in another district where the same amount of district allowance is not payable?

- (2) If not, why not?

to which I replied—

- (1) Yes.

- (2) Answered by (1).

I regret to inform the House that because of faulty information supplied to me by the department concerned, the answer was only partially correct. At that time payment of the district allowance in the circumstances mentioned applied only to public servants and to railway employees.

However, the matter has since been given further consideration and it has been decided that, in future, the district allowance will be paid on annual leave to those workers below the 26th parallel. In the case of workers above the 26th parallel, because of the fares' concession granted on biennial

leave, there will be no alteration to the existing practice; that is, the allowance will not be paid unless the worker or his family remains in the district.

Further, I would like to say that my attention was drawn to this error by the department concerned which asked me to make this correction in the House.

BUS STAND IN MT. LAWLEY

Resiting: Tabling of Papers

7. Mr. OLDFIELD asked the Minister for Police:

Will he lay upon the Table of the House all papers relating to the request by the Mt. Lawley State School Parents and Citizens' Association to the Metropolitan Transport Trust and the Police Traffic Branch that the bus stand at the corner of Third Avenue and Beaufort Street be resited, or alternatively, that a "no parking" area be created between the bus stand and the crosswalk?

Mr. CRAIG replied:

I will have to give consideration to the request. I will peruse the file and possibly, as a result, I will discuss the matter further with the honourable member.

BILLS (4): INTRODUCTION AND FIRST READING

1. Natives (Citizenship Rights) Act Amendment Bill (No. 2).

Bill introduced, on motion by Mr. Lewis (Minister for Native Welfare), and read a first time.

2. Iron Ore (Mount Goldsworthy) Agreement Bill.

3. Iron Ore (Mount Newman) Agreement Bill.

4. Judges' Salaries and Pensions Act Amendment Bill.

Bills introduced, on motions by Mr. Court (Minister for Industrial Development), and read a first time.

BILLS (4): RETURNED

1. Banana Industry Compensation Trust Fund Act Amendment Bill.
2. Bellevue-Mount Helena Railway Discontinuance and Land Revestment Bill.
3. Police Act Amendment Bill.
4. Education Act Amendment Bill.

Bills returned from the Council without amendment.

WHEAT MARKETING ACT (REVIVAL AND CONTINUANCE) BILL

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

DAMAGE BY AIRCRAFT BILL

Third Reading

MR. COURT (Nedlands—Minister for Industrial Development) [5.20 p.m.]: I move—

That the Bill be now read a third time.

In moving the third reading of this Bill I would like to make some explanations I promised to make during the second reading.

The Leader of the Opposition asked if I could obtain some information regarding the intention of Queensland and South Australia in respect of this legislation. I have conferred with the Minister for Justice, and his understanding is that it is the intention of both those Governments to introduce legislation. The Minister has pointed out to me that even when we were seeking the uniform Companies Act there was some disparity in time due to the fact that some of the parliamentary sittings did not coincide. But he has informed me that it is the intention of both those Governments—if they have not already done so—to introduce this legislation.

A further point was raised by the honourable member for Subiaco with reference to the word "material" in the Bill. Perhaps it will be best if I record the advice that has been given to the Law Society on this particular point in answer to some queries from that body. It is as follows:—

Clause 5 of the above Bill is similar to the comparative sections of the N.S.W. Damage by Aircraft Act, 1952, the Wrongs (Damage by Aircraft) Act, 1953, of Victoria, the Damage by Aircraft Act, 1963, of Tasmania, the N.Z. Civil Aviation Act, 1948, and the Civil Aviation Act, 1949, of the U.K. Each of the above Acts refers in the relevant sections to "material loss or damage". Halsbury's Vol. 5, 3rd Edition at page 246 states, "Loss or damage includes in relation to persons, loss of life and personal injury" (as does the above Bill by definition, see clause 3). "Material" loss or damage connotes, it is thought, injury to persons or property which is of a physical nature; cf. the right arising 'by reason only of the flight of an aircraft or the ordinary incidents of such flight'. "Ordinary incidents of flight" it is thought is intended to cover, e.g. noise and vibration arising from the flight.

If, however, vibration caused "material damage" liability would arise under clause 5 of the Bill.

It is considered that as the inclusion of the word, "material" in the Acts of other jurisdictions, as far back as 1948 in N.Z., and 1920 in the U.K., because the 1948 Act of the U.K. reproduced S. 9 (1) of the Air Navigation Act, 1920, does not seem to have caused any difficulty in interpretation, and in view of the above, does appear to have been given some importance by other legislatures, the word "material" should not at this stage be excised. Further, if all the Acts are similar, any future judicial interpretations on the relevant section will apply to the State Act. The only case that can be found to date on the relevant section, is the N.Z. case, *Weedair (N.Z.) Ltd. v. Walker*, 1961 N.Z.L.R. at page 53, which is not of much assistance. There damages were given for the loss of a crop caused by chemical spray dropped from an aircraft.

When the Bill was previously under discussion it was mentioned that the origin of the measure is international, and it is rather important that we endeavour to retain uniformity wherever practicable. In view of the advice of the Crown Law Department, I feel it is desirable we retain this Bill in its present form.

The other question on which I promised to get some information was in connection with sonic booms. It is the opinion of the Chief Parliamentary Draftsman that damage by sonic booms comes within the ambit of this Act, though he would not like that to be taken as being absolutely certain, because we must realise that at the time this legislation was originally sponsored sonic booms were not the regular occurrence they are today.

However, it is the opinion of the Chief Parliamentary Draftsman that sonic booms would be covered, because of the reference to vibration which I have made in the letter I have just quoted and which was sent to the Law Society.

Mr. Hawke: Could the Minister tell us the difference between sonic booms and masonic booms?

Mr. COURT: I think we had better consult Halsbury's *The Laws of England*.

Question put and passed.

Bill read a third time and passed.

NATIONAL TRUST OF AUSTRALIA (W.A.) BILL

Third Reading

Bill read a third time, on motion by Mr. Brand (Premier), and transmitted to the Council.

FREMANTLE BUFFALO CLUB (INCORPORATED) (PRIVATE) BILL

Third Reading

MR. FLETCHER (Fremantle) [5.26 p.m.]: I move—

That the Bill be now read a third time.

The third reading of this Bill affords me the opportunity to thank the Premier for having assisted in giving the Bill a speedy passage through this House. I only wish he could be equally co-operative in other issues I raise in this Chamber.

Mr. Brand: Now don't spoil it!

Mr. FLETCHER: I also wish to thank staff members, Hansard, committee members, and others who assisted in resolving trading and other problems associated with the Fremantle Buffalo Club.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILLS (2): REPORT

1. Electoral Act Amendment Bill.
2. Country Towns Sewerage Act Amendment Bill.

Reports of Committee adopted.

ANNUAL ESTIMATES, 1964-65

In Committee of Supply

Resumed from the 6th October, the Deputy Chairman of Committees (Mr. Crommelin) in the Chair.

Vote: Legislative Council, £18,612—

MR. HAWKE (Northam—Leader of the Opposition) [5.29 p.m.]: The Treasurer has again undergone the heavy physical and mental strain of delivering a Budget speech. I think I made the suggestion last year, or the year before, that this strain should be avoided to as great a degree as possible by the Committee agreeing to incorporate in *Hansard* the total speech which is prepared in connection with the Budget without the Treasurer of the day having to express it, or read it all. At the same time the Treasurer could summarise the total speech and make such comments as he thought appropriate for the purpose of highlighting the more important sections of the speech.

After all is said and done, the main purpose of preparing this speech is, I think, to incorporate it in *Hansard*. When the Treasurer comes up to the House on the day he is to deliver the Budget speech, he brings a number of copies, one of which he retains, naturally; and one of which he passes to the Leader of the Opposition; and presumably the Press is also issued with as many copies as would be appropriate to the needs of the Press.

I do not see any virtue really in the Treasurer of the day having to strain his eyes, particularly, and draw upon physical resources to enable a complete expression of everything that is in the Budget speech to take place. I noticed that a few days after the Treasurer delivered the speech he had to go to an eye specialist. I am not sure whether there was any direct relationship between cause and effect. However, I do know from my own personal experience that the delivering of a Budget speech is a very great strain; and I think the strain is unnecessary.

Naturally, when delivering a speech of that type, which contains a great amount of figures, most of it has to be read, which makes the task much harder. In addition, even where figures are not involved, the Treasurer of the day feels he must read most of it to ensure the speech is expressed accurately in every degree. If a Treasurer, in delivering a long Budget speech, were to rely too much upon his memory, he might here and there make mistakes; might here and there give the wrong impression; and consequently difficulties could arise. I think nothing would be lost if we could arrange for the speech in total to be included and printed in *Hansard*; and for the Treasurer, as I suggested earlier, to express the highlights of the speech and make such comments upon them as he thought appropriate.

It is the custom, I know, even though it is not followed slavishly, for Leaders of the Opposition in the State Parliaments of Australia to describe any Budget introduced into one of the State Parliaments as being more or less colourless. I am not quite sure what the description actually means. However, coming from a Leader of the Opposition it sounds rather effective. In addition, it is true, to a large extent, that State Budgets, since the Commonwealth Government took over the imposition of income taxation, have lost a lot of the interest which they, the State Budgets, formerly held. I can remember in my own time in this House when the State of Western Australia had the full right to impose its own income taxation; and there was, in those years, considerably more interest in the contents of a State Budget than is the case in these later years.

This afternoon—and maybe this evening—I want to deal with some of the more important matters referred to in the Budget speech. I hope, however, it will not be necessary for me to spend much time on most of the items which I will mention. The Treasurer gave some information in connection with the volume of employment available in Western Australia during the last 12 months; and also made some reference to the degree of unemployment which has persisted over the last several years.

At the time the Treasurer delivered his speech, the percentage of unemployment in Western Australia in the work force was 1.7 per cent. as compared with an all-Australian average percentage of, I think, about 1.2 per cent. According to the latest figures made available today the comparative percentage in this State is down, I think, to 1.3 per cent.; and the all-Australian percentage is down to somewhat under 1 per cent.

I am not criticising this situation to any extent, except to say that one may have hoped for a better result in Western Australia in view of all the propaganda which this Government has issued, and in view of all the progress which we are supposed to have achieved. The Government has now been in office for 5½ years. Therefore it cannot claim it has not had much time in which to develop and operate its policies. If I had been in the habit of accepting the Government's propaganda at its face value I would have expected the percentage of unemployment in the work force in Western Australia today to be the lowest of any of the Australian States. However, I think the fact is that it is still the highest.

Mr. Brand: I think Tasmania is 2.3 per cent.

Mr. HAWKE: I have not seen the latest figures from Tasmania issued in the last day or so, but the figure for Tasmania may possibly be higher. I think the total number of men and women available for employment in Western Australia would have been fully employed today had not Federal economic and financial policies been, over the last five or six years, so unpredictable and so vastly changeable from one period of two or three years to another period of two or three years.

Nobody, I think, with any degree of certainty has been able to anticipate Federal financial and economic policy from one year to another; and nobody has been able to plan with certainty on extension of industry or on the establishment of new industry in the certain belief that next year the economic and financial policies of the Commonwealth would be running largely upon the same basis as now, or as was the case a few months ago. So let us hope, as I am sure we all would, that Commonwealth policies in the fields to which I have made reference will be much more consistent during the next several years than they have been during the last six or seven years.

The Treasurer made reference to the condition of our primary industries; and, generally speaking, they are in good heart. It is true the current season in the agricultural areas is very much the same as last year's season. As we know, the season last year was not uniformly good, because of excessive rain during the growing season, and especially in the early

part of last season in some of the wetter areas. This not only prevented the putting in of a great amount of seed which otherwise would have been sown, but it was responsible also for disease developing towards the end of the season, which was another factor in the cutting down of the total yield for that season. The same circumstances have operated so far to date; and towards the end of the season in some districts farmers may be up against the same type of disease difficulties which developed last season.

I have mentioned in the last two years, when speaking on the Budget, that I think the wheatgrowers in Australia have been rather fortunate in regard to the disposal of their total production overseas—surplus to our own needs, of course—and consequently in the price received by the fact that mainland China, or Communist China, or whatever you care to call it, has been seeking large supplies of Australian wheat and has been able to be supplied with very large quantities of our wheat production. I do not want to go into the political issues involved here, because I have done that in previous years. I know the Country Party and the Labor Party thinking on this issue practically coincides; whereas on the surface, and that is about the only place I think the thinking of the Liberal Party is different—

Mr. Brand: How?

Mr. HAWKE: On the point that Australia should not trade with Communist countries; should not help Communist countries; should not try to build them up; and should not try to strengthen them.

Mr. Brand: It is not the policy of the Liberal Party.

Mr. HAWKE: I could ask you, Mr. Deputy Chairman (Mr. Crommelin) what the policy of the Liberal Party has been; but through you, if you will permit me, I will ask the Treasurer.

Mr. Brand: The policy of the Liberal Party is instanced in the attitude of the Commonwealth Government and the Australian Wheat Board.

Mr. HAWKE: I hope so. I agree with the Treasurer that if the Liberal Party of Australia is opposed to trading with Communist countries, then the present Federal Government, which has within its ranks a large majority of Liberal Party members as compared with Country Party members, has not taken any steps to dissuade the Australian Wheat Board from selling apparently unlimited quantities of wheat to Communist China, and lesser quantities, I understand, to Soviet Russia.

Mr. Brand: That is right. I understand there is some trade in other matters with Russia in smaller products. There is a trade arrangement between the two countries.

Mr. HAWKE: Yes; it looks as if the Liberal Party is developing much more common sense in this matter than was

evident for many years. It looks as if the example set in the thinking of the Labor Party and the Country Party has at last permeated successfully into the mental machinery—if I may put it that way—of the Liberal Party. I hope this is not a conversion of convenience on the part of the Liberal Party. I say that because, when an issue like this becomes a vital issue to Australia's economy; and when it becomes an issue vital to the solvency of a great many wheatgrowers in Australia, conversion could be a conversion of convenience.

In other words, a political party could surrender its deep feelings and vital principles so that an overseas market for wheat, such as the one which exists in mainland or communist China, should not be lost; and in order that the huge amount of money which the communist Chinese Government would pay for this wheat would not be lost. However, I accept the assurance of the Treasurer that the Liberal Party's thinking on this matter has been speeded up very substantially in recent years—

Mr. Brand: Many years.

Mr. HAWKE: —and that the Liberal Party's thinking is now about on a par with the advanced and progressive thinking on the issue of the Labor Party and the Country Party. I should not be surprised, in view of the declaration of the Treasurer, to find the D.L.P. at the next State election will give its second preference votes to the independents and not to the Liberal Party; because the D.L.P. is very strong and vicious on this issue—very strong and very vicious. It regards anybody who favours the selling of wheat or any other product to Communist countries as being disloyal to Australia; as being disloyal to democracy; as doing something which could well be calculated to make the Communist countries stronger and more powerful and more capable of destroying democracy in this country and the other democracies of the free world.

However, I have no doubt the Treasurer, or his political agents, will have a heart-to-heart talk with the leaders of the D.L.P. on this issue and will try to persuade them that this conversion of the Liberal Party on the issue is basically a conversion of convenience.

It was encouraging to learn, from the speech of the Treasurer, of the great activity in the building industry. This has been evident in Western Australia for several years now. Obviously when the building industry is active a great many related activities in the State are also very busy. I think most economists agree that one of the safest measurements of economic activity and economic progress is to be found in the state of the building industry in any given period.

So we will certainly hope that this activity, which has been evident in the building industry for many years now, and is evident at the present time, will increase and ensure the provision of a great deal of employment in the various avenues which are served by building trades activity.

I think all members of the Committee, and all people within the State who are sentimentally disposed towards the gold-mining industry, and who value the great contribution which the industry has made to the State's progress and prosperity during the years, will be disappointed to find gold production on the decline. In the figures which the Treasurer gave us he advised a fall in gold production during the year of almost 98,000 fine ounces.

This is a very substantial fall indeed in gold production, and unfortunately it occurs in a part of the State which requires all the activity which can possibly be developed there. The goldmining industry is located in fairly remote areas; and it provides, directly and indirectly, practically the whole of the activity in the respective areas where goldmining is undertaken.

One has only to go to the ghost gold-mining towns to realise everything fades out almost totally, and in many instances totally, when the production of gold ceases. I hope the Government will use its utmost endeavours to maintain in full production the goldmines which are still operating and, wherever possible, to bring into production new mines; and, if it be possible, to have some of those which have closed down redeveloped.

I fully realise the great difficulty in this subject is the fixed price for gold. I know of no other industry in Australia which is placed in the same difficult position as the goldmining industry. This industry has a fixed price for its product, but there is no control at all, as far as I know, over anything which those engaged in the industry have to buy. There is no control over the prices of the machines and all the rest of it; there is no control over explosives; there is no control over the hundred-and-one other things which have to be bought in order to carry on a gold mine.

There is control, it is true, over wages and salaries; but an industry which, in a period of inflation such as we have had since the war, has not been able to obtain appropriate increases in the price of what it has to sell is obviously in a most difficult situation.

I hope, as a result of the committee which this Parliament has appointed, and as a result of strong representations which will be made later to the Federal Government, that some progress in this matter might be achieved. It will be very difficult, of course, to get any increase in the international price; so it would appear

that any increase which might come to pass within Australia in the price of gold will have to come as a result of special financial assistance made available by the Commonwealth Government.

The Treasurer told us our overseas trade showed a surplus for the year of £87.1 million compared with a surplus of £71.1 million in the financial year 1962-63. As I said earlier, I think the sale of wheat overseas has played a very important part in the figures dealing with the State's overseas trade activities.

Our exports to the Eastern States have continued to rise, and last year were valued at £50.3 million, which was 10 per cent. higher than in the previous year. I am not in a position to say how much of the increase was due to higher prices which may have developed during the financial year. However, it is good to find our exports from Western Australia to the Eastern States are earning for the State more as each year comes and goes.

Unfortunately, on the other side of the picture, our imports from the Eastern States were up three per cent. to £161.8 million. The deficit on our interest trading was £111.5 million, and the position in the last financial year was very much the same in that regard as in the previous financial year.

It seems extraordinary that a comparatively small population in Western Australia should have to buy so much from the Eastern States, and a very large population over there, comparatively, should buy so little in return from this State. I know there is an explanation of that situation. I know there are answers which are reasonably adequate. For instance, the eastern States of Australia developed secondary industries much earlier than any thought was given to the development of those industries in Western Australia.

New South Wales and Victoria—and, in later years, South Australia—became highly industrialised and consequently were able to sell to Western Australia a great amount of goods which probably in previous years had been imported into this State from overseas manufacturing countries. As the Eastern States expanded their industrialisation, they reached the position where they were able to supply to Western Australia a great quantity of manufactured goods which previously this State was importing from Britain, Germany, and other overseas countries including, of course, the United States of America.

Western Australia did not commence to industrialise for many years afterwards, and the task of industrialising in Western Australia was made all the more difficult because of the late commencement and because of the great hold which manufacturers in eastern Australia had upon the markets in this State. In addition, importers in this State had become tied up

with manufacturers and wholesalers in the Eastern States. Big retailers in this State had become tied up, as it were, with big manufacturing concerns and big wholesale concerns in the Eastern States.

When trade relationships are established on that basis, and are maintained on that basis for a considerable number of years, it is not easy to break down the system. The same sort of thing still operates in Western Australia in regard to many of our consumers; many of our housewives. They developed the habit, when very few Western Australian secondary products were available, of buying products sent here from eastern Australia under various brand names, such as Lion self-raising flour, some other brand for tea, Rosella tomato sauce, and all the rest of it. These brands were satisfactory in price and very good in quality, and so the habit was developed of ordering commodities under those brands. Naturally, storekeepers were able to supply and please their customers, and they were not anxious to talk them out of buying Eastern States products and into buying similar Western Australian made products.

That situation still continues. I am not lecturing housewives at the moment; I am lecturing, if I am lecturing anybody, the members of this Committee. How many of us, for instance, consistently and conscientiously—in the goods we buy as men and in the goods which are brought into our homes—ensure that every time we or our wives, or members of our families, make a purchase, the purchase is of Western Australian manufacture? I do not think there would be one of us. I try to be keen and conscientious in this situation, but every now and then a product slips under my guard and I find in my own home some products which are manufactured in the Eastern States, when similar products of approximately the same price and of equal quality are made in Western Australia.

So I think it is up to members of Parliament to be the keenest and most conscientious about this. If the example is set in a practical way at the top—if we are at the top in the community—we might find it will have a vaster and greater spread throughout the whole of the community. I think there is a tremendous amount which we can still do in this field; and to the extent we succeed from year to year in getting people into the habit of asking for and insisting upon getting goods made in our own factories and workshops will our secondary industries expand, our employment potential increase, and our trade balance with the Eastern States of Australia be brought more into sensible relation.

As long as we continue to have a trade deficit with the Eastern States of £111,000,000 a year, then obviously we are providing a great volume of employment for men and women, and young people,

in the Eastern States, and denying to our people a considerable volume of employment which should be available in this State for our people. I think it is as simple as that. I am not suggesting for a moment we could, perhaps in the foreseeable future, have an equal balance of trade as between Western Australia and the Eastern States; but we could, I think, if we were determined enough about it, and if we could get enough of the general public to follow us, very substantially reduce the terrific trade deficit which now operates as between this State and the other States of Australia.

The Treasurer had something to say about uniform taxation, and the Premier of one of the other States of Australia has had something to say about the same subject in recent months. I agree with what the Treasurer of Western Australia has had to say about the subject. I am convinced, as I have been for many years past, that Western Australia, imposing its own income taxation, would find itself in a very difficult position, as would the citizens of the State if that situation were to eventuate.

At the present time the Commonwealth authority imposes uniform income taxation, collects a huge amount of money from the citizens all over Australia and, out of the total proceeds, makes a reimbursement of some of it to the various States. In that situation Western Australia gains considerably as against the situation it would be in if we had to raise the whole of our own income taxation. There is no injustice in our getting a large reimbursement of income taxation from the Commonwealth—no injustice at all.

I mentioned a moment ago that our trade balance with the other States of Australia was over £100,000,000 a year in favour of the other States. Obviously, in that situation, we are assisting the progress, the prosperity, and the income tax paying capacity of the other States; and it is fair enough in a situation of that kind for the other States, through the income taxation system, to assist us.

The Treasurer told us the total revenue estimated in the current financial year is expected to be approximately £6,000,000 greater than last year. He also gave us some detailed information about the increased amounts to be collected under a number of headings. State taxation will bring in an increase of £1,086,000 over last year; territorial revenue, £40,000 over last year; the law courts, departmental, and Royal mint, £2,590,000 over last year; and receipts from the Commonwealth, £4,822,000 over last year.

The Treasurer also gave some information under the heading of "State taxation" and told us that the new duty imposed from the 1st January, 1964, on the registration of new motor vehicles, and the transfer of used vehicles, was collected last financial year for a period of the year only, the

amount collected being £136,000. He anticipates this year £290,000 will be received from the same source.

This year the Treasurer also expects to receive higher returns from liquor licenses, betting taxes, land tax, the third-party insurance surcharge, and probate duty. That is not bad coming from a Treasurer who, 5½ years ago, told the people of Western Australia that taxation in Western Australia had then reached the breaking point.

Mr. Rowberry: He has gone through the sound barrier since then.

Mr. Bovell: The State is far more prosperous today.

Mr. HAWKE: It is far more prosperous! That is why members of the Industrial Commission the other day were so rejoicing in the progressive and prosperous conditions of the State that they, at the request of the Government, as it were, granted an increase—a real net increase—of 1s. 2d. a week in the basic wage—28 halfpennies! That was the increase members of the commission gave. That was the workers' share of the great prosperity of the State.

I am looking forward to the introduction of the Bill dealing with judges' salaries and pensions to see whether the Government proposes to give judges an increase of 28 halfpennies a week in their salaries as their share of the prosperity of the State which the Minister for Lands so often romances about.

The Treasurer told us that £17,157,000 would be required in the current financial year for interest and sinking fund payments. This will be an increase of £1,271,000 under these heads over and above the total amount which had to be paid last year. I have talked about the interest problem in previous sessions in connection with previous Budget speeches, and I do not intend to go over the ground again, except to say that the imposition of interest on taxpayers by Governments, and the imposition of interest upon them through all the channels of trade and commerce, is a terrific burden. I know I do not have to emphasise this to members of the Country Party because they are on the paying end; whereas members of the Liberal Party, by and large, are on the receiving end—that is to say, they receive the benefits of the interest payments which are made, and it is a terrific problem.

Over a few years—maybe over 10 years or 20 years—in the working of the economic and financial system the strain of the interest burden—of the total interest burden, both public and private—becomes so heavy as to become impossible. Then, of course, we have an economic depression and debts are unpaid, and remain unpaid, and we have debts adjustment laws; we have the writing down of debts; we have the lowering of interest and the slashing

down of wages. Generally the people go through all sorts of unemployment, distress, and misery.

Mr. Gayfer: What is the answer to that?

Mr. HAWKE: Without going into the matter deeply, I think one answer might be the availability of credit, including loans for government and private industry at much lower rates than rule today, or have ruled for a great many years past.

Mr. Gayfer: But you would still be paying interest.

Mr. HAWKE: We might still be paying interest, but if we are paying only two per cent. as against 10 per cent., or seven per cent., which we might be paying today, then the burden of the interest is very greatly reduced upon the taxpayers of Australia as a whole, and upon those engaged in industry, and upon all those buying houses, and so on. In that event, I think our economic system would be working upon a much safer basis.

Under that sort of set-up, if it could come to pass, the men and women in the community doing the real productive work, the effective work, the valuable work, are not being burdened down with huge interest payments. I noticed, for instance, that in the operations of the Metropolitan Water Supply, Sewerage and Drainage Department, the department made payments last year, in connection with interest and sinking fund, of nearly £2,000,000; and during the current financial year the board, which the Government has set up to manage that concern, will pay more than £2,000,000 in interest and sinking fund payments. Obviously the Government, when it was running the system, had to get the money from the ratepayers just as the board which is now operating will have to get it from the ratepayers.

The Treasurer also told us the financial assistance grant from the Commonwealth, which has replaced the tax reimbursement grant, will increase this financial year by £2,484,000, and reach a total of approximately £35,282,000. This increase is one of nearly eight per cent., and is based largely upon the population growth which has been higher in Western Australia during the past three years than in the other States of Australia.

It is proposed this financial year to expend from the Consolidated Revenue Fund a total of £91,054,000, which will be £5,714,000 greater than last year's total spending. The main increases are—

Interest and sinking fund	£
payments	1,271,000
Other special Acts	110,000
Departmental	4,300,000
Public Utilities	33,000

There is to be a substantial rise in expenditure on education. This year the Education Department will spend a total of £13,922,000 from Consolidated Revenue,

an increase of nearly £1,000,000 over the expenditure last year. Most of this expenditure goes in salaries to teachers and to those engaged in the administration of the department. When the departmental estimates for the Education Department are under discussion, I think I will have something to say about education in this State, and therefore I will not say any more upon the item at this stage.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HAWKE: The information in the Budget speech covering hospitals shows an allocation to the hospital fund this year of £7,405,000, which is £543,000 greater than the amount actually expended during the last financial year. At this stage the only point I want to discuss relating to this subject has reference to a strong difference of opinion which appears to have developed between the management of the Royal Perth Hospital and the Minister for Health.

On at least two occasions in recent months a statement has been issued from the Royal Perth Hospital claiming serious overcrowding in the hospital. After the first statement was made by an official of the hospital to that effect, the Minister for Health issued a statement reassuring the public there was no serious overcrowding. More recently the same official made a similar statement, but up till now I have not seen anything published from the Minister commenting on the latest claim that the Royal Perth Hospital is seriously overcrowded.

Mr. Ross Hutchinson: A Press representative came to me and I told him what was being done.

Mr. HAWKE: Has that statement been published so far?

Mr. Ross Hutchinson: I think something was published.

Mr. HAWKE: I will check to see if something has been published and, if not, I will wait two or three days to see if it is published.

Mr. Ross Hutchinson: I may give you the opportunity of letting you know what was in the statement.

Mr. HAWKE: I hope the newspaper does not suppress any information the Minister supplies, as it sometimes does with me.

Mr. Ross Hutchinson: I would not call it "suppress."

Mr. HAWKE: No, crowded out, because of insufficient space in the newspaper! I suffer the same complaint occasionally, but not so much in recent months.

There is some very interesting information under the heading of Mental Health Services. At this stage all I want to say is that, in my view, it is amazing that the strain and demand on these services is not much greater than it appears to be. We seem to live in a period when it is not

the easiest thing in the world to maintain mental equilibrium. Everything which is capable of being published to cause worry, and nervous and mental strain to people appears to be published. For instance, the honourable member for Collie this afternoon asked the Premier a question concerning an Australian Broadcasting Commission TV feature which is to be staged this week regarding a prisoner who is condemned to execution.

The honourable member for Collie pointed out that this was the first TV show of this type programmed by the A.B.C. in Perth since the Commonwealth Games. I should say many things have happened in Western Australia since the Commonwealth Games which could have been a feature of the "Four Corners" programme on the A.B.C., or on such other programme, in the same way as it is organised to stage this event in Perth now. Yet it seems to have taken multiple murders and the condemnation to death of the person found guilty to justify the A.B.C. to return to Perth after a long absence to develop a special "Four Corners" TV feature.

Of course, if we watch films with any frequency, we can easily gather some ideas on how some of these films must put a very great strain upon the nervous system and the mental system of many people. I am speaking now not only of some television films, but also of some of the films which are shown in the theatres.

I was in Adelaide a few weeks ago and a film there was very extravagantly advertised. It was, "Lawrence of Arabia." I thought, "This will be a very fine historical film," so I handed out my 10s. or 7s. 6d. for the daytime screening, for admission to the theatre. The film was extremely well acted and there was some amazingly fine scenery in it. The underlying story was rather inspiring but the blood and thunder side of the film in my view, was ghastly. In the film they showed scenes of battles taking place where each side was issued the order "No prisoners!" So one can imagine how these battles were depicted in the film. They were ghastly to the greatest possible degree.

I wondered, as I watched the showing of these scenes, what effect they would have on the minds of young people and upon the minds of older people who were inclined, possibly, to a bit of mental instability; who were inclined to nervous weaknesses. Up to the time I saw the film it had been running. I think, for many months, and the indication seemed to be it would run for many more months. On the lighter side—possibly, the lighter side—I was bit attracted—only a bit—by some advertisements of a film being shown in Perth. I think it is still being screened. This film was supposed to be a real scream on the humorous side.

Mr. Ross Hutchinson: It was not "Irma" was it?

Mr. HAWKE: It was advertised in a way which would lead one to feel there was plenty of good fun in the film. So I went along and paid my money and saw the film. I must admit that I enjoyed it very much because it was screamingly funny in many ways. Screamingly funny! However, the point I make about this film is that it was sexy to quite an extreme degree, if one shuts out, for the time being the funny side of it. It was extremely sexy and it has been showing for weeks and weeks to full houses. In fact, I think it is still running in Perth to full houses.

Other films—among which have been some very fine ones—cannot run a week, or, if they do run for a week or longer they run at a considerable loss. Whether a viewing of the film "Irma" would cause anyone mental unbalance or nervous distress I am not in a position to say, but it may cause some people in the community to try to do things in other directions; and, judging by what has been happening in the police courts for a long time, that could have happened. Nevertheless, I am not condemning the film. I am merely drawing the attention to the amazing appeal it has had to the public.

Mr. Rowberry: Everyone wants to know what it is all about.

Mr. HAWKE: They do now! I have no doubt the honourable member for Warren will be down there tomorrow morning.

Mr. Ross Hutchinson: He has seen it twice already!

Mr. HAWKE: Getting away from that angle, I am really amazed at the advertisements we read about and which we hear over the radio and see on television regarding the alleged extraordinary qualities of various pills, tablets, and potions. We are becoming a tablet-ridden community—I think—to a far greater extent than can be beneficial to the community.

I would think that, when people form the tablet-taking habit, the pill-taking habit, and the potion-taking habit they become as much victims to that habit as alcoholics to their habit and chain smokers become to theirs. I would never be convinced that the taking of these tablets and pills and other so-called remedies continually is beneficial to health. I would think quite the opposite. I believe the people of Australia as a whole are well on the way to becoming the greatest pill and tablet-taking nation on the earth.

Many people who take these pills, tablets, and other patent remedies have been convinced by somebody else there is something wrong with their nerves; and when they take these pills and tablets and become no better in mental outlook they feel their cases are more or less hopeless and they keep going along to medical men

or other people. Quite a few of them, I am sure, finish up in Heathcote, and probably some of them, unfortunately, finish up at the Claremont Mental Hospital.

This must represent a terrific income to the companies which make the pills and tablets and which advertise them so glamorously, and sometimes in such a reckless way; and I suppose it represents a lot of additional income to those medical men who sort of keep tracking along with this type of man and this type of woman.

I am sure in my own mind there are many medical men who talk straight to this type of person and try to get him out of the mental feeling that he is suffering from nerves when, in fact, he is not. I would be happy in concluding my discussion under the heading of Mental Health Services to know that this problem—for it is a serious problem and a growing one—is receiving the attention of the officers of the Public Health Department, and they are trying as hard as possible, and as effectively as they can, to get rid of this problem, and are, in fact, doing something about it. I am inclined to think that, if it were allowed to develop and grow, in a generation or two there would not be anybody in the community who was convinced that his nerves were all right and his mentality 100 per cent. sound.

I would like to say a good deal about the Child Welfare Department and its activities. However, I shall reserve my thoughts in that regard until a later stage. I was interested to learn there are over 3,000 children within the State in the care of the department at the present time. I am confident that the officers of the department are doing the utmost possible to promote the welfare of those children. Most of them are children who have been driven into unfortunate circumstances, usually caused by domestic strife or some cause of that kind, but not always. We can imagine that children in the care of the Child Welfare Department, who have come under its care as a result of serious, and perhaps long drawn-out, domestic strife, would be children who would receive very special attention, very special care, and I hope very special kindness on the part of those whose responsibility it is to rehabilitate them and promote their welfare.

There is only one thing I would like to say under the heading of Native Welfare; and I point out that the vulnerable age for most natives seems to be between 15 years, or whatever age they leave school, and 20 or 21 years. During the time these children are attending school they have, of necessity, to be clean and reasonably well dressed; but when they leave school, in many instances they return to reserves, camps, and the like. Quite often the conditions in the camps are not the best; sometimes they are very difficult.

We all know the power and influence of environment. Obviously if native children, immediately they leave school, have to go back into a tough environment, then those children have less than an even chance of making good and of becoming, later on, good citizens. I feel that before the native welfare problem can be largely overcome a great deal more attention and time will have to be given to young natives in the age range to which I have referred, and probably a great deal more money will have to be found and expended to ensure when they leave school, and for a period of three or four years afterwards, they are given additional education and training to fit them for regular and permanent employment afterwards, in circumstances where in the normal course of events they are not able to go into useful employment as soon as they leave school.

Under the heading of Police Department, I would like to say a few words about road safety. I know those people who criticise other drivers usually have the idea that they themselves are perfect, or near perfect, as drivers of motor vehicles. I am not holding myself up as a perfect or a near perfect driver. However, as I drive around, the thing which amazes me, and a lot of other people, is that there are not a great many more accidents—fatal, serious, or otherwise.

The driving habits of many people are careless, stupid, dangerous, or in whatever category one cares to place them. Some shocking driving goes on. I suppose the comparatively small number of traffic police cannot be everywhere at the one time. I know they travel about a great deal in the metropolitan area, and fairly frequently they apprehend motorists who do the wrong thing; sometimes, if a breach is not serious, to warn them, and at other times, if it is serious, to report them.

The regulation of keeping as far to the left of the road as possible is breached more often than it is observed. I realise there are difficulties in obeying this rule fully on roads where the parking of vehicles is permitted; because if one keeps as far to the left on such a road as one can, one has to swerve in and out to pass parked vehicles. The motion of the vehicle is like a snake in a fit.

Even along roads where there are no parked cars one is able to see vehicles sticking to the middle of the road; more dangerous still, when one gets close to such a vehicle, very often one finds that it takes a left-hand turn, and cuts across following vehicles.

Another bad driving habit one notices is that some drivers will speed past a vehicle, cut too quickly in front of the vehicle they have passed, and a few hundred yards further on take a turn to the left. Why such drivers create a road hazard in their

haste to make a left turn, for the sake of saving a second or two, I have never been able to understand.

Another very dangerous feature of motor traffic, especially in the metropolitan area, is the speed at which vehicles travel up to intersections. I have often thought—I even think more frequently about it now—that some regulation should be introduced to slow all vehicles down within a certain distance of intersections, and at the intersections themselves. The advantage of giving way to vehicles on the right is very often lost to the drivers of vehicles on the right at intersections, because the vehicle coming up to the intersection, which has a vehicle on its right, is going at such a pace that the vehicle on the right will not dare to assert its undoubted legal right. Many accidents are averted at intersections because the vehicles on the right—due to a mental fear on the part of their drivers—stay put, and allow other vehicles, which race up to intersections at 35 to 40 miles per hour, and sometimes at a greater speed, to pass through.

Mr. Craig: They just bluff their way through.

Mr. HAWKE: That is so. More road patrols should be instituted. I realise finance is a consideration; however, the way in which the road toll is mounting, finance should not be allowed to come into the matter at all—not to the extent of preventing the appointment of more road patrol officers, as many as are considered to be adequate. I heard some honourable member say in this Chamber during this session or the previous session that to provide the adequate number of road patrol officers to cope with the situation we would need one patrol officer to each motorist. I would not go that far, or agree with the statement. However, the road toll is becoming so serious, and the continuing menace is so great and dangerous that every effort possible should be made to reduce the hazards which continue to exist on the roads.

I would be 100 per cent. in favour of using petrol tax refunds to the State to deal more effectively with the problem of road safety or road danger, whichever way one cares to put it. This petrol tax money is contributed by the road users in Australia basically for the purpose of having good roads provided and maintained. I do not think any motorist in Australia would object to more money from this source being used to ensure greater road safety. From the point of view of the motorist that would be a good insurance scheme, because no motorist knows the day or hour when he might be involved in some accident on the road. Therefore it seems logical to me that money contributed by motorists, per medium of the petrol tax, should be made available in large sums by the Commonwealth to the

State Governments specifically for the purpose of maintaining a greater measure of road patrol and road safety.

What would it matter, for instance, if in Western Australia £250,000 a year additional were spent on maintaining road safety, and £250,000 less a year on road construction and maintenance? After all is said and done, human life is involved and concerned in the road safety situation; whereas in the other situation it is a matter of more comfortable driving in a motor vehicle by having good roads or better roads; and perhaps of faster driving over the road, and possibly of effecting the saving of a pint of petrol over 200 miles. I would not hesitate to advocate the allocation of considerable sums from the petrol tax moneys to the States to enable them to greatly increase their road safety measures. I am sure if the Minister for Police were asked he would say a large number of additional road patrol officers could be used, and used effectively.

However, the Government, because of financial difficulties, is not able to appoint anywhere near the full number required to adequately meet the total situation. I do not think money should be allowed to prevent the appointment of the additional men. We should appoint them irrespective, and I feel confident in my mind that the Prime Minister and the other Federal Ministers would not reject an approach by the States for the allocation of special large sums of petrol tax money to be concentrated upon the task of establishing and maintaining a far greater degree of road safety than is possible in the existing situation.

I know that many bad accidents, as well as other accidents, occur in the country where road patrols are very few in number because they have to be supplied by the local authorities, and the local authorities, because of financial considerations, are not able to appoint the number of road patrols which would be necessary to provide a greater degree of safety. In addition, of course, there is no speed limit on the country roads outside the towns where reasonable speed limits are applied and, to some extent, enforced.

Mr. Nalder: For trucks there is a speed limit on the open road.

Mr. Rowberry: It is not observed in 99 cases out of a hundred.

Mr. HAWKE: I think it is true, to a large extent, as the honourable member for Warren says—and I am here helping the *Hansard* reporter—that many truck-drivers in the country do not obey the regulations by keeping within the speed limits which are ordered by the respective local authorities.

Mr. Gayfer: There are a few also who think the speed limits are a little impracticable.

Mr. HAWKE: Yes. I know we could all say speed limits are impracticable, and I suppose that would apply more to the driver of a truck who is being paid on a time basis, not an hourly basis. In other words, he is paid on the basis of transporting a load of goods from point A to point B. He is paid a set amount to do the total job. Therefore from his point of view speed limits might not be practicable. However, that might easily be because he is more concerned about getting the load delivered and receiving payment for it and then returning for another load, than he is concerned with the question of road safety.

Mr. Gayfer: What about buses full of people on country roads?

Mr. HAWKE: What about them?

Mr. Gayfer: They travel in excess of trucks, but they weigh far more.

Mr. HAWKE: I am not quite sure of the point in the interjection unless the suggestion is that railway passenger buses race along at excessive speeds, whether or not they are full or nearly full of passengers. I know of some instances of that nature which have occurred and I think reasonable discipline should be exercised in that regard.

Mr. D. G. May: Some have had to go fast recently to keep up with the existing timetables of the Railways Department.

Mr. HAWKE: That could easily be, too. Timetables should not be sacred and should not have priority anywhere near to that given to the preservation of life, which is the thing I have been trying to promote. We could easily come to the conclusion these days that the motor vehicle itself is regarded as being of far greater value than the lives of those in the vehicle. That seems to be the way things are developing. Many drivers drive with no regard for their own safety and no regard either for other people's safety on the road, whether they be in other motor vehicles or whether they be pedestrians.

Pedestrians these days get no go at all unless they can get to a crossing on the road where lights are installed and where pedestrians are given the absolute right-of-way for brief periods. Apart from those points on the roads, the pedestrian is not in the race. He has no chance, although I admit that not all pedestrians use as much common sense as they should when they want to cross a road. They sometimes set off to cross when obviously there is not a safe opportunity to do so; whereas if they waited a moment or two they would be able to cross with no vehicles in the vicinity.

However, as I say, pedestrians—especially the young and older ones today—are in great fear when they set out to cross a road. They feel that no motorist has any respect for them or their safety. They

feel they are to be bowled over, as likely as not, by any driver who happens to drive his vehicle along at the time.

I have been distressed for a long time at the fact that uniformed policemen have to operate along Canning Highway, for instance, and other places to ensure that children get safely across the road. Clearly the Police Department would not have put those uniformed policemen on duty unless there had been an absolute or reasonable necessity to do so. They were put on duty because motorists by and large showed no respect whatever for school children who had to cross the road to go to school—no respect whatever.

It is a strange business but, as we all know, the fellow who is most unselfish, considerate, and courteous outside a motorcar, can be quite the opposite when inside one behind the wheel. I suppose we see the same sort of thing, to a certain degree, when we go to a football match. Men and women, who, in the ordinary course of day-to-day living, are quiet, self-controlled, fair-minded, and reasonable, when they get to a football match become the opposite in every respect.

An honourable member: They want to kill the umpire.

Mr. HAWKE: There are some honourable members in this House to whom that would fairly apply. I am not saying it might not to some considerable degree apply to me, because I have a sort of feeling that a person cannot get real enjoyment and a thrill out of a football match unless he is very one-eyed.

However, speaking seriously again, I hope that what I have had to say under the heading of road safety will enable the Minister and his colleagues to give the matter some additional consideration and, possibly in the very near future, to take some increasingly active action in the field.

I note the vote for the Department of Agriculture makes provision for the filling of 59 vacant positions. The Treasurer did not expand on that point. These positions were created in the department, perhaps a year ago, two years ago, or five years ago. Clearly they are vacant at this time. Presumably most of the positions are, to some extent at least, scientific in their application. Presumably, too, the Government has advertised throughout Australia and maybe, in respect of some of the positions, in other countries of the world, without getting any worth-while response. I would like the Treasurer, if he replies to the general debate, or the Minister for Agriculture, when his departmental estimates are under discussion, to give us as much detailed information as possible in relation to this problem.

Mr. Nalder: Thirty-odd of them are vacancies in positions which have been established but which have become vacant.

Mr. HAWKE: If, as the Minister says, the positions were at various times filled and occupied, and those who were occupying them have gone, then presumably they have gone to other States or to the Commonwealth, or to other countries, or taken better positions in private employment. It would appear therefore that there is some weakness in the departmental set-up—I am not saying this critically—which is responsible for these men not being satisfied with their positions within the department, either because of the salary question or some other issue. I am not asking for detailed information now, because I realise the Minister and the Premier might want to discuss this matter and get some more information about it.

I notice too that provision is made for the appointment of 30 additional professional and technical officers, and presumably applications for these 30 additional scientific or professional and technical positions have not yet been called; or, if they have, applications have not been received and the positions have not so far been filled.

If that be so, then there are 89 positions in total within the department which at this time are not filled. Obviously in a department as important and vital as that of agriculture, the activities of the department must be seriously impeded if, in fact, 89 positions now within the department are without occupants; and I would ask the Minister to give us detailed information at some later stage in the debate on the Estimates regarding these 30 additional professional and technical officers.

I notice that Savoy House, London, is to be rejuvenated this year at an estimated cost of £25,000. I am not sure whether the Premier is arranging for an extra-large cigar cabinet to be put in or perhaps a specially large cabinet for Homburg hats, or spats, or striped pants, or for all of the additional things which the person to be appointed in the reasonably near future is sure to use in large quantity. I do not want the Treasurer to tell us offhand whether what I am suggesting is well-based or otherwise, but I would like—

Mr. Brand: Money is being spent on general renovation and alteration of the ground floor—

Mr. HAWKE: Yes.

Mr. Brand: —to give more space for the public.

Mr. HAWKE: Yes. I sort of imagine that not all of the £25,000 is being spent on that work.

Mr. Brand: Also for doing up the lift.

Mr. HAWKE: I feel that somewhere else in the building there will be some additions and improvements—

Mr. Brand: Not that I'm aware of.

Mr. HAWKE: —and comforts; because the person who may be appointed reasonably soon is a person who likes comfort—and I do not blame him for it, either; I do not blame him a bit.

Mr. Brand: Whoever he is, he will be entitled to comfort.

Mr. HAWKE: All I would like to say in addition is that I was in London in 1953 for the Coronation of the present Queen, and a person who is now a Minister in this Government was in London at the same time.

Mr. W. Hegney: He is blushing.

Mr. HAWKE: He enjoyed himself tremendously and within reason, as I did. I thought he took to the place wonderfully well and easily. He seemed to be thoroughly at home. I liked the way he hobnobbed with dukes, and earls, and girls —although I must add quickly that I am just joking.

So I am not criticising the Government for improving Savoy House in London. When I was there I found it very difficult to open the windows in the office, and when I did struggle and open a window to let some fresh air in, I was censured indirectly on the argument that I was letting smog into the place. But I would much prefer to have smog in the place than no air or stale air. So the Minister of the present Government who is soon to be appointed to the position of Agent-General in London for Western Australia might have to face up to that problem.

There is only one other thing I want to say before I conclude. It has to do with a statement made when the basic wage increase of 1s. 2d. a week—the net real increase—was awarded recently by the State Industrial Commission. I am quoting now from a statement made at that time by Commissioner Cort. He said—

In my opinion the just and reasonable basic wage for the average male worker should be £15 10s. per week taking into consideration the economic capacity of industry and other matters which I deem to be relevant and advisable and having regard to the opinions expressed, particularly on behalf of the majority of industrial unions of workers, that the present wage is more than sufficient to enable an average worker with his ordinary domestic obligations to live in reasonable comfort.

I am authorised to say on behalf of the trade unions concerned and their officials that the part of that statement which deals with—

... the majority of industrial unions of workers, that the present wage is more than sufficient to enable an average worker with his ordinary domestic obligations to live in reasonable comfort.

is not true. It is a statement which is not based upon fact, and it is a most misleading conclusion for the commissioner to have drawn from the proceedings before the commission. So it is clear that commissioner at any rate made his decision that £15 10s. per week should be the new State basic wage on at least one vital factor which was ill-based; and therefore it might be said that had he not been misled in that respect, and had that factor been removed from his mind and his consideration of the situation, he might have awarded more than £15 10s. per week.

When we consider that the combined decision of the commission was for £15 8s. per week and not for £15 10s., we can see that the basic wage proceedings before the Industrial Commission were not given the thought or the consideration that they should have been given. However, we have a motion already upon our notice paper dealing more specifically with this issue, and I have no wish to trespass against Standing Orders in relation to discussing this particular matter any further.

Progress

Progress reported and leave given to sit again, on motion by Mr. Gayfer.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 15th October, on the following motion by Mr. Wild (Minister for Labour):—

That the Bill be now read a second time.

MR. W. HEGNEY (Mt. Hawthorn) [8.20 p.m.]: The Bill before us is to amend the Workers' Compensation Act and, as far as the industrial workers of Western Australia are concerned, it is a very important measure. Over the last 5½ years the attitude of the Government has not been one for which it could claim a great deal of credit, because, since it took office in March, 1959, the principal Act has been amended on only four occasions, and each amendment was of a comparatively minor character. I think in 1960 there was an amending Bill of one clause; in 1961 and 1963 there were other small amendments; and now, in 1964, we have this measure.

I have very strong recollections that when we were the Government we tried to effect substantial improvements to the Workers' Compensation Act, but each objective was thwarted in another place because of the Liberal majority in that place. It is true that on occasions the very first amendment that appears in this Bill was conspicuous in our amendments, and present members of this Government—and indeed many of its supporters in another place—left no stone unturned to assure the public of Western

Australia that if that particular provision were agreed to it would be a bad day for industry.

This to me looks something like the Bank Holidays Act, inasmuch as a member of the Labor Government introduced a Bill on five occasions to provide for a five-day working week for bank employees, but honourable members who now comprise this Government vehemently objected to it. However, when, by force of circumstances, pressure tactics were put on certain members of this Government, it was obliged to come down from its perch and introduce legislation to make a five-day week possible for bank clerks.

Since this Government has been in office I, on behalf of the Opposition, have had the responsibility of moving motions dealing with the principal Act—motions which were designed to try to bring home to the Government the absolute necessity, and indeed the justification, for some substantial amendments to be made to the Workers' Compensation Act. On the notice paper at the present time I have a motion which deals with this specific subject, and it is about the fourth or fifth time that a similar motion has found its way on to the notice paper and, on each occasion, our efforts have been defeated.

However, there is an election due, and the working people of Western Australia are now going to get some small measure—and only a small measure, as I propose to point out—of justice by the provisions of this Bill. Let us consider for a few moments an aspect to which the Leader of the Opposition referred in his concluding remarks on the Estimates. This Government, through its Minister for Labour, did everything it possibly could to put pressure on the Industrial Commission to declare the Federal basic wage in Western Australia.

Mr. Wild: That is an absolute untruth and you know it.

Mr. Nalder: He knows it.

Mr. W. HEGNEY: I am glad of that interjection, because the Minister for Labour—

The SPEAKER (Mr. Hearman): I think the honourable member had better confine himself to the Bill.

Mr. W. HEGNEY: I am confining myself to the Bill, Mr. Speaker; and, if you do not mind my saying so, I notice when I speak on these matters you seem to try to put me off my style. I am not saying that in any derogatory way, but if you will allow me about one minute I will show you that what I am dealing with and referring to is very relevant to the terms of the Bill. What I said, and repeat, is that this Government used its influence—and the Minister cannot deny he did that on behalf of the Government—to have the Federal basic wage introduced into Western Australia.

Mr. Wild: That is an absolute falsehood and you know it.

Mr. W. HEGNEY: My point is that the Government has introduced a Workers' Compensation Act Amendment Bill providing for a maximum payment of £3,500 in the case of death or permanent and total incapacity. But the Minister must know, as other members of the Government must know, that the Federal Treasurer, in August last, when introducing his Budget indicated to the Commonwealth Parliament that it was proposed to introduce a Bill to amend the Commonwealth workers' compensation legislation to provide for a maximum payment of £4,300 in such cases.

The point is—and now Mr. Speaker I think you will consider I had every justification for my remark—that if the Government wants the Federal basic wage for Western Australia, why hesitate to write a maximum payment of £4,300 into our workers' compensation instead of a maximum payment of £3,500?

Labor members: Hear, hear!

Mr. W. HEGNEY: That is a fair proposition.

Mr. Hawke: It is a good point.

Mr. W. HEGNEY: While on that aspect, for the information of the House I would like to quote a letter, or a copy of a letter, from the Prime Minister of Australia. It is dated the 17th September, 1964, and at the time he was acting Treasurer. The letter was sent to the Trades and Labour Council and it reads as follows:—

In the absence of the Treasurer overseas, I acknowledge your letter of the 27th August, 1964, regarding the proposed amendments to the Commonwealth Employees' Compensation Act, 1930-1962. The proposals were announced in the Treasurer's Budget speech in the following terms:

I will have this incorporated in *Hansard* for the benefit of members—

Legislation will be brought down to increase the benefits provided under the Commonwealth Employees' Compensation Act, 1930-1962, which have not been varied since 1959. The basic lump sum payable to dependants upon the death of a Commonwealth employee will be increased from £3,000 to £4,300 and the additional amount of £100 payable in respect of each child under 16 years of age will be replaced by a provision for weekly payments until the child reaches 16 years of age, subject to a minimum total payment of £100.

The rates of weekly payments for incapacity will be increased from £10 to £11 11s. for an unmarried employee and from £13 12s. 6d. to £15 8s. for a married man with a wife and one child. The cost of these increases is estimated to be £200,000 for a full year.

The necessary amending legislation is at present being drafted with a view to its introduction during the current session of Parliament.

I do not propose to read an extract from the Budget speech of the Federal Treasurer (Mr. Holt), but the remarks he had to make in this connection were practically the same as the terms of the letter from the Prime Minister. I repeat: There is a clear indication that the Commonwealth proposes to make an award of £4,300 in the case of death and total incapacity, and it also intends to provide for a weekly payment for dependent children until they reach the age of 16 years. But what has happened here? The Minister proposes to make the maximum amount £3,500.

If the Industrial Commission varies the basic wage within the next week or two according to its discretion under the Industrial Arbitration Act, I can visualise, with a great deal of justification and veracity, that the sum of £3,500 will be about £5 below the amount to which the dependants of a worker would be entitled under the present Act. The amount payable to the dependants of a deceased worker under the present legislation, with the adjustment to the basic wage, would be £3,386. This evening I received information to the effect that the Commonwealth Statistician's cost-of-living figures for Perth show that there has been an increase in the cost of living of 1.04 per cent., and under the method of computation in the Workers' Compensation Act the figure of £3,386 will be increased to £3,505. The Minister has made the maximum amount £3,500. On a rough calculation the difference between £3,386 and £3,500 is the magnificent ratio of 3.3 or 3.2 per cent. That is the extent of the increase in that particular compensation payment under this Government.

As a matter of fact, I will be placing on the notice paper some amendments—of which I have given the Minister a copy—and the object of one of the amendments is to alter the figure from £3,500 to £4,300. In justification of this, I point out that in New South Wales the total amount paid to the dependant of a deceased worker—and I quote from the *Australian Insurance and Banking Record* of June, 1964—is £4,300, and an additional payment of £2 3s. a week to a dependent child until he reaches 16 years of age. That is what is happening in New South Wales; and I

understand the Commonwealth Government is going to follow the pattern of the New South Wales Act to an extent, although the Prime Minister has never indicated it.

In Tasmania, which is a claimant State, the amount payable to the dependants of a deceased worker is £4,175. So it will be seen that the amount of £3,500—which is an increase of £114 in the instance to which I have referred—is not so magnificent after all.

Mr. Ross Hutchinson: What is the amount in other States?

Mr. W. HEGNEY: I could make another remark but I am not going to. I gave the Minister the amounts in two States. In New South Wales, which is not a claimant State, the amount paid to the dependants of a deceased worker is £4,300 and an additional payment of £2 3s. a week is paid to a dependent child until that child reaches 16 years of age. In Tasmania, which is a claimant State, the amount payable to the dependants of a deceased worker is £4,175.

Mr. Ross Hutchinson: I am wondering whether you have the amounts payable in the other States.

Mr. W. HEGNEY: Yes; I have the amounts of the other States.

Mr. Ross Hutchinson: What is the matter with you, then?

Mr. W. HEGNEY: I will leave it to the House to judge what is the matter with either of us. I will now quote the South Australian figures to the Minister. The figure in that State is equal to four years' earnings. As far as this State is concerned, the Premier made the statement that the average weekly wage in this State was £22 0s. 7d. That represents over £1,100 a year, and by multiplying that figure by four we get the amount of £4,400. However, I am not saying that that is the actual figure for South Australia. In Queensland at present the amount is fixed at £3,300. As I have said, the Commonwealth was going to increase the compensation payable to the dependants of a deceased worker to £4,300.

Let us have a look at another clause. When I said I was "instrumental" I meant that I happened to be the Minister when an amending Bill was introduced which included a provision under the first schedule that, in the case of the death of a worker, his dependants must receive not less than £800. After taking into account the basic wage adjustment, that figure is now £988. The Government has seen fit to increase a number of other amounts payable under the second schedule, but it has left this one untouched. To me, that shows at least a certain amount of apathy on the part of the Government towards the interests and the welfare of a widow with dependent children. An amendment I have on the

notice paper will provide that the compensation payable shall include a payment of £2 3s. a week for children until they reach the age of 16 years.

I will now make some comment on medical and hospital expenses. On more than one occasion, when we were the Government, we tried to have the Workers' Compensation Act amended to provide that apart from the set amount for hospital and medical expenses, the Workers' Compensation Board should have discretionary power to award amounts over and above the amounts prescribed under the Act. That provision was defeated by the Liberals in another place. We now have an amendment on the notice paper which seeks to insert that provision in the Act. Here again, if I may, I will quote all the provisions from the legislation in other States. Incidentally, the total amount for hospital and medical expenses will be £620 or £625; but that is not so important.

If the provision were inserted in the Act it would enable the Workers' Compensation Board to award whatever amounts it thought fit in any specific case. Referring to New South Wales again, the amount payable for medical expenses is £500; hospital expenses, £500; ambulance expenses, £250; and for the replacement of teeth, or other artificial aids, the amount payable is £25. There is a further provision at the end which reads—

The Commission may grant additional expenses in respect of any of the above on application.

The commission referred to there is the Workers' Compensation Commission. We consider that to be a reasonable proviso in an Act of this nature.

In Victoria the compensation amounts payable are as follows:—

Reasonable costs of medical, hospital, nursing, ambulance and other services as prescribed by Act, incurred by reason of injury or disease on and after date of disablement—payable in addition to compensation. No limit.

For the benefit of the Minister for Health, I will quote the figures for South Australia once again.

Mr. Ross Hutchinson: I appreciate that.

Mr. W. HEGNEY: I know you do. The Minister looks as if he does, too. The figures for South Australia are—

Cost of transport for medical examination or treatment, medical or surgical fees, dental costs or treatment by physiotherapist on prescription of doctor and supply on doctor's prescription skiagrams, artificial limbs, eyes, teeth, crutches, splints, spectacles or other apparatus, etc. (including necessary renewals and repairs), ambulance on return from hospital, nursing and hospital fees, chemists' bills for medicine or drugs. No limit. Damage to clothing, maximum £30.

Now we will have a look at Tasmania. Queensland is out because it has a system of hospitalisation which is different from that of the other States. In Tasmania, the following is provided:—

Reasonable expenses of medical, hospital, nursing, ambulance service and burial not exceeding £1,000.

That also includes repair and replacement to appliances up to £150. In the Australian Capital Territory, under the ordinance of the Commonwealth Parliament, the following is provided:—

Medical treatment. Maximum £350 unless exceptional circumstances warrant payment of an amount in excess of that sum. Reasonable expenses of burial. Maximum £60.

The recognised authority under the Commonwealth Compensation Act will determine, in any particular case, whether an amount of £350 or £1,350 is a reasonable figure.

At present the amount for medical expenses is £200 and that for hospital expenses is £325. The Bill, however, provides for £250 for medical expenses and £425 for hospital expenses, making a total of £675. That seems quite a substantial sum, and everyone will agree it is a substantial sum; but measured by present-day costs it is not as high as it would seem, because we all know how costly hospitalisation is.

I want to obviate the position where a worker is so seriously injured that the cost of his hospital and medical attention exceeds £675 because of the duration of the illness; where his legitimate expenses are in the vicinity of £1,000; and where it is necessary for him to find the difference of £325. Can anyone justify a worker having to be legally liable for a sum of £325 when through no fault of his own he receives a serious injury in his industry?

Dr. Henn: Whom do you suggest should be the authority to decide this?

Mr. W. HEGNEY: The Workers' Compensation Board. As in the other States, the Workers' Compensation Board should be entitled to award an amount in excess of these figures. It should be entitled to do this in any particular case after it has reviewed the evidence and the general circumstances of the case. It should be entitled to do so at its own discretion. I know that the amount by which this has been increased from the previous figure will help quite a lot, but I still say the injured worker should not be liable for medical and hospital expenses incurred through no fault of his own. Our contention is that industry should bear this cost.

I would now like to deal with the second schedule. I might say for the information of the House, and the information of the Minister, that there are certain figures

set out in the second schedule of the Bill. These figures have been calculated on a basis of £3,500. I have roughly increased them by dividing £4,300 by £3,500 and multiplying the answer by the amount in the Bill. That is how I have arrived at my figure.

I want to deal for a few moments with two sections of the Act which the Bill seeks to repeal. Clause 4 of the Bill proposes to repeal section 10A. I have a very vivid recollection of the introduction of this particular section into the Workers' Compensation Act in 1956, and it might be of some interest to recall what took place. The amount in the second schedule was then £2,400, and the Labor Government had the amount for the dependants of a deceased worker increased to £3,000. Certain disagreements took place between the two Houses, and a conference of managers was appointed to decide the issue. Being the responsible Minister—though some may say “irresponsible” Minister—I was one of the conference managers.

At the conference it was pointed out to the non-Labor members of the conference, who were acting in all good faith, that it would be illogical to grant £3,000 to the dependants of a deceased worker, and not grant £3,000 to a permanently and totally incapacitated worker who would be eating at the table for the rest of his life. There was £2,400 for the man who lost both eyes; £3,000 for the dependants of a deceased worker; and, after quite a bit of argument, we had to agree to a sum of £2,750 for the permanently and totally incapacitated worker. That is how the provision was included in 1956. Now the Government proposes to repeal it.

We are entirely opposed to the deletion of this provision, and we have drafted an amendment which provides that the board may grant in particular cases amounts in excess of the stipulated total amount for the benefit of the permanently and totally incapacitated worker. We also find that the Minister proposes to repeal section 11 of the principal Act. Section 11 provides for permanently partially incapacitated workers. It has been interpreted that if a person is 50 per cent. permanently partially incapacitated he receives only 50 per cent. of the total amount. We consider the man should be entitled to 50 per cent. of the weekly payments until the full amount has been exhausted. As it is now, it is redundant, and we want the section repealed.

I now come to the matter of the to-and-fro clause—the journeying provisions. Some of the provisions are all right, but we object to one of the paragraphs in the clause. I do not propose to deal with it fully now, because I will have an opportunity to deal with it in the Committee stage. We propose to move an amendment to delete one of the paragraphs, and I hope the Committee will agree to do so.

There is one matter to which I wish to make reference, though I do not propose to move an amendment in regard to it. The journeying provision in question is worded in such a way that a worker is entitled to insurance cover while he is legitimately travelling to and from work without any substantial interruption on the journey.

Let us for a moment consider, as an example, the position of waterside workers. They meet at a prearranged place called the pickup. There are times, however, when a man will leave his home at South Fremantle to attend the pickup and finds he is not selected. They also serve who only stand and wait; and this man then returns to his home, but is not actually engaged in work. He does not travel from his home to his work but travels to the pickup; and returns from the pickup to his home. I want to know whether he is entitled to compensation under this journeying provision; and I would ask the Minister to check that matter to see whether he can have a provision inserted to cover that aspect.

We do not propose to introduce an amendment with regard to the weekly payments for single or married workers; but that does not mean we are satisfied with the present provisions. At the first opportunity we propose to take action to have these amounts increased. As I said a short while ago, the Premier mentioned the average weekly wage for workers as £22. But when a single man who is getting £22 a week meets with an injury through no fault of his own he then receives £10 18s. a week. A married man will get £15 6s. a week. There are plenty of good skilled tradesmen who have been earning £25 to £28 a week, who are rearing families; who have been struck down in the course of their employment; and who are obliged to accept 55 or 60 per cent. of their ordinary wages. We consider that to be unfair; we consider the weekly payments should be increased substantially.

I shall deal with another aspect of the maximum payments. I do not intend to quote a large number of cases, but only two—one of which was reported in the *Daily News*—to illustrate the difference. We have been pressing the Government to increase the maximum amount which is payable to injured workers. At this point of time the maximum is £3,386.

In the *Daily News* of the 16th October it was reported that £5,180 had been awarded to a driller who was injured. The report is as follows:—

Former shearer and diamond driller Harold Norman Cant (59) was awarded £5,180 general and special damages today in the Supreme Court.

Mr. Justice Hale said that a road accident had rendered Cant's left arm useless for moderate or heavy physical work.

The award was made against Ronald Frederick Johns, of Mt. Magnet, in whose car Cant was a passenger when it crashed near that town on February, 18, 1962.

In the accident Cant suffered facial injuries and fractures to the arm, ankle and skull and lost teeth.

This person was injured, and he was awarded £5,180 for the substantial loss of the use of an arm. Under the Workers' Compensation Act for the total loss of the left arm, or a greater part of the left arm, the amount is £2,620.

Another case was reported in yesterday's *The West Australian* in which a person who sustained a serious injury through a motor accident was awarded £3,120. Our object is to bring these rates of compensation more into line with present-day requirements, and there is no obstacle in the way of the Government to increasing them.

The Minister for Labour referred to premiums. I do not believe in dabbling in a lot of figures, because that worries people. However, now and again it is advisable to quote a few, especially when they are appropriate to the occasion. The Premium Rates Committee was set up in 1948, and since then the premium rates for the mining industry have dropped periodically from 80s. per cent. to 20s. per cent.; and the premiums in quite a number of other industries have also been reduced substantially. But the compensation rates have not been increased.

Over the past few years the insurers have accumulated a sum of money which would enable them to pay increased rates without any great difficulty. I refer to the figures for 1961-62, 1962-63, and 1963-64. The Premium Rates Committee calculated the premiums on the basis of a 70 per cent. loss ratio, and that enables the insurance companies to have 30 per cent. of the premiums set aside for administrative costs and profit—be it gross or net. Any loss under 70 per cent. would result in the rate of profit being increased proportionately.

In 1961-62 the total premiums levied in Western Australia amounted to £3,099,426; the total cost of claims to £2,022,192; and the gross profit to £1,077,234. The amount which was in excess of the 70 per cent. allowed by the Premium Rates Committee for the year 1961-62 was £145,674.

For the year 1962-63 the total premiums levied in industry in Western Australia amounted to £3,212,993; the cost of the claims to £2,033,331; and the gross profit to £1,179,662. That left an excess available to the insurers of £214,270.

Turning to 1963-64 the total premiums amounted to £3,220,140; the total cost of claims was estimated at £2,050,000; and

the gross profit at £1,170,140. That leaves a total excess, over the 70 per cent. loss ratio, of £204,028.

In dealing with premium rates I now turn to individual firms. A number of businesses in this State pay more than £20,000 a year in premiums. In all cases except three the premium rates have been reduced, and in many cases by a very large percentage. In the case of the abattoirs the premiums levied in 1963 amounted to £74,105. The premium fixed in 1948, which was the first year the Premium Rates Committee came into being, was 110s. for every £100 paid in wages. However, it is estimated that in 1965 the rate will be reduced to 58s. 10d., or a reduction of 46 per cent.

I will refer to one industry in which there has been an increase in the premium rates. For breweries the premiums levied in 1963 amounted to £27,531; while the premium rate fixed in 1948 was 52s. 6d.; and in the estimate for 1965 the rate will be increased to 89s. 1d., or an increase of 70 per cent.

In the case of builders, for structures up to two storeys or under 30 ft., the premium rate in 1948 was 80s.; and for the ensuing year it will be 65s. 1d., or a decrease of 19 per cent. In the case of cabinet makers the rate in 1948 was 71s.; but for 1965 it will be 41s. 7d., or a decrease of 41 per cent. For farmers and graziers the premiums levied in 1963 amounted to £159,282. In 1948 the premium was 75s.; and for 1965 it will be 45s. 11d., or a reduction of 39 per cent.

In the case of hospitals, the premium in 1948 was 32s. 6d.; but in 1965 it will be reduced to 11s. 5d., or a reduction of 65 per cent.

Mr. Burt: Is that a reduction of 65s. per cent.?

Mr. W. HEGNEY: No; it is a reduction of 65 per cent. In the case of timber yards—an industry in which there is a certain amount of hazard—for sash and door factories the rate in 1948 was 262s. 6d.; but for 1965 it will be reduced to 63s. In the case of sawmills the premium in 1948 was 210s.; but it will be reduced to 128s. 9d. in 1965.

These figures can be checked, but I think they will be found to be fairly correct; and I invite the Minister to have them checked. I mentioned that to show that this talk about industry not being able to stand any more loading in regard to the Workers' Compensation Act will not hold water; because it has been shown, over the years, that the Premium Rates Committee has been able to reduce the amounts of premiums; and the companies have accumulated quite a substantial surplus over the 70 per cent. Therefore there is every justification for more substantial improvements than are contained in the Bill before us.

I was going to say that the Bill is conspicuous by what it leaves out, just as it is conspicuous by what is in it. The Minister can laugh; and, although I know he did not draft the Bill—

Mr. Wild: It is a good Bill, and you know it.

Mr. W. HEGNEY: The insurance companies and the Employers Federation would draft the Bill and see that the drafting was correct, because that is where the Liberal Party gets its money from.

Mr. Wild: Don't talk such a lot of tripe!

Mr. W. HEGNEY: That is all right!

Mr. Wild: You have been talking sense up to now; but that is a lot of tripe.

Mr. W. HEGNEY: I know the insurance companies have a direct interest in this Bill, and I will say this: It must have been hard—I am not saying this personally—on individual members of the Cabinet to have to agree to the journeying provisions. It must have hurt very much for them to have to agree to introduce a Bill at this stage containing the journeying provisions, after unbridled opposition for many years.

The Bill does not make any reference to the widening of the definition of "worker." We know that some time ago there was a serious case in the timber industry which was referred to the Minister for Labour after a Mr. Marshall had been killed. It was thought he was a worker and that he would come within the provisions of the Workers' Compensation Act; but when the matter went to the High Court, that court ruled that he was a piecework contractor and not entitled to compensation. We thought the Government would have seen fit to write into the Act a definition of "worker" that would cover such cases; and we thought the Government would widen the definition of "injury" to include certain diseases. However, there are no such provisions in the Bill.

Partially incapacitated workers receive only two-thirds of the difference between their pre-injury earnings and their post-injury earnings; and they are regarded by medical people as being fit for light work. Their compensation ceases and they are unable to obtain work appropriate to their condition. Why is not an increase in the weekly compensation payments included in this Bill? I think something should have been done in this regard.

I am sorry we have not been able to supply the Minister, at this stage, with proposed amendments to clause 3 of the Bill, relating to pneumoconiosis and diseases in the goldmining industry, but I am sure the honourable member for Boulder-Eyre will arrange for the distribution of copies tomorrow. I am purposely leaving any reference to these amendments to that honourable member because

he has been consulting with those in the mining industry on the goldfields; and he is closely associated with the mining industry and the diseases that pertain to it.

It is also proposed to introduce amendments to the third schedule so that it will include industrial deafness. It is not my intention to go into detail at this point, because the honourable member for Boulder-Eyre will deal more extensively with it. However, it is hoped that the Minister for Labour will have regard to the amendments that will be submitted, because we believe there is ample room in this Bill for substantial amendments in order to make the burden on a widow with dependent children a little bit lighter; and if more generous provisions are introduced in relation to permanently and totally incapacitated workers they will realise that the Government and Parliament have regard for their tragedy and that they will not have their compensation cut off after a period, but that the payments will be carried on as is the case in New South Wales. I have no doubt they will be carried on under the Commonwealth workers' compensation legislation. I support the second reading.

MR. MOIR (Boulder-Eyre) [9.6 p.m.]: It is with mixed feelings I comment on this Bill: feelings of satisfaction in one important regard, and feelings of disappointment in others. I will not attempt to cover the ground that has been dealt with so admirably by my colleague; I will confine myself more to the sections of the Bill that deal with the incidence of industrial disease applicable to our metalliferous mining industry.

In the first place, like my colleague who has just resumed his seat, I consider that the amount of £3,500 is a paltry amount; and that is proved beyond all doubt by the figures the honourable member for Mt. Hawthorn has presented. In other words, it is an Irishman's rise; because, with the fluctuation in the basic wage and the imminent increase that is pending, this amount actually will be exceeded according to my calculations. So this Bill, before it becomes an Act, is obsolete in that regard.

Another matter to which I take exception is that mentioned by my colleague regarding the repealing of section 10A of the Act; and I am going to oppose that very forcibly during the Committee stage. This provision was inserted to give a more equitable amount of money to a totally and permanently incapacitated worker over and above the £2,400 that was allowed for his death. It was not a very large amount. It was £2,750—another £350—which got away from the anomalous position whereby the family of an injured worker or a totally incapacitated worker would not receive as much compensation

as they would in the case of the man's death. It was recognised that he had to be maintained as a member of the family.

One can perhaps understand why the Government proposes to repeal this section; because when one computes the values, one finds that where the compensation rate was previously £2,400, and section 10A provided for £2,750—£2,400 at death, and £2,750 for total incapacity—the proposed increase in this Bill is to £3,500 and section 10A would proportionately increase that amount to £4,010!

Evidently this was too much for the Government, so it has adopted the way out of repealing the whole section. Whether the Minister has been aware of that or not, I do not know; but I earnestly request him to take a good look at that one, because otherwise a very grave injustice will be done, and the advancement that was made in that regard in the Act some years ago will be completely lost. We will have the position where the totally and permanently incapacitated worker—who may go on living for years—and his dependants will, based on the figures in the Bill, receive the sum of only £3,500, instead of £4,010.

One point about which I am very pleased is that the Government has realised the justice of the claims submitted over the years by those on this side of the House in regard to the time limit for claiming compensation for an industrial disease. We advocated that the time period should be completely eliminated. As we know, a three-year limitation has been in the Act. Many times the Opposition, when in Government, introduced legislation to delete that three-year period so that if a worker contracted silicosis to a disabling degree in an industry he could claim compensation even though the disease manifested itself many years after he left the industry.

It must be remembered that this disease does not run to a pattern. It varies in individuals and is inexplicable even to expert men who make a study of this subject. Some experts have made a life study of the incidence of this particular disease. Many instances have been given in this Chamber of men who have left the industry with no signs of silicosis at all; and yet, many years later, they have shown definite signs of the disease and, in some cases, signs of advanced silicosis.

I quoted an authentic case which was brought to my notice by an eminent specialist in this city. A man had been out of the industry for 18 years after which time he was found to be suffering from advanced silicosis. This was despite the fact that when he left the industry he was quite clear of any signs of the disease. During the 18 years he had been out of the mining industry he had been working in the south-west in the tobacco industry;

and I do not think anyone would claim he could contract the disease in the tobacco industry.

Just today I received a letter from a man who has had his claim for compensation for an industrial disease rejected. I will not mention the man's name but the letter is from the State Government Insurance Office, dated August last, and reads as follows:—

With reference to your application for compensation, I now wish to inform you that I have received your medical report from the Mines Medical Officer in Kalgoorlie who examined you on the 12th August. The information accompanying this report is such that I am unable to accept any liability for the payment of compensation. The reason for this is that your first disablement by the industrial disease of silicosis is considered to have arisen in 1955. Your claim, therefore, is one for consideration under the Workers' Compensation Act as it then was, and a requirement with which you cannot comply is that your disablement by industrial disease must be attributable to employment in the mining industry during the preceding three years. Your last mining employment was in October, 1950.

Two important points are to be noted from that letter, the first being that the man had left the industry in 1950, was diagnosed in 1964 as having silicosis, but was stated to have contracted the disease in 1955. The other important point is that this man was outside the three-year term—having left the industry in 1950 and contracted the disease in 1955—and therefore he does not come within the provisions of the amendments which came into force on the 12th December, 1960.

There we have definite proof that a man contracted silicosis—according to medical opinion—five years after he left the industry and was therefore unable to comply with the provisions of the legislation which were in force previously, and which are still in force. As a result he can receive no compensation for the disease. We know a person can contract silicosis in no other way than in the process of industry. I do not think anyone would seriously argue against that.

As I have said, it is very pleasing indeed to realise that at long last this Government has accepted the representations made by those on this side of the House in Bills they have introduced, and debates on the subject generally; and has introduced legislation to delete the restrictive provision. If this Bill in its present form becomes law these unfortunate people will receive the justice to which they are entitled. For that reason I say, "Thank you," to the Government.

As I said before, I view this Bill with mixed feelings. It attempts to remove provisions workers had enjoyed under previous legislation concerning T.B. with silicosis. Another matter which I view with concern and request the Minister to study is that concerning the death of a worker from this disease. Under present legislation total compensation is paid to the dependants of a worker whose death occurs as a result of these diseases; but on page 4 of the Bill no reference is made to death. I am very concerned about this and will be prepared to move amendments to make sure beyond all doubt that the dependants of a worker who is unfortunate enough to die from this disease will be covered.

This provision also is to include bronchitis; and again I am very happy about this, because this matter has been a bone of contention for a long time. At present many workers are deprived of receiving the amount of compensation to which, in my opinion, and in the opinion of a lot of other people, they are justly entitled.

I have three cases here, and they are comparatively recent ones. I will show members how this has operated in the past. I could have brought a stack of them, but I think three is sufficient. This form from which I intend to read is put out by the State Government Insurance Office which, as we know, has a monopoly over the coverage for the industrial disease of silicosis. One of the questions asked of medical men is as follows:—

State the nature of any diseases, other than industrial disease from which the worker is suffering.

In this case the medical man has written "bronchitis and hypertension." Where the doctor is called upon to assess the degree of disability due to industrial diseases, he has to answer the following question:—

If the worker is disabled by such industrial disease to an extent which would preclude him from earning full wages at the work in which he was employed:—

- (a) What is the degree of incapacity in respect of such industrial disease alone for any class of work?

In this case the assessment is 50 per cent. Continuing—

- (b) What is the degree of incapacity (if any) in respect of non-industrial diseases alone for any class of work?

The amount given is 5 per cent.; and the total degree of incapacity is 55 per cent. It goes on—

What work is the worker fit to undertake?

The medical man states "light work". So we see that the difference is only slight in that case; but still, it is a difference. Here

is another one. The nature of non-industrial disease is stated as bronchitis. The degree of incapacity in respect of such industrial disease is set down as 35 per cent. The degree of incapacity in respect of non-industrial disease is 30 per cent. The total incapacity is 65 per cent. Everyone will agree, surely, that to be incapacitated to the extent of 65 per cent. is a very serious incapacity; but the amount of disablement which that man would be paid under the provisions of the existing Act would be only 35 per cent. The percentage of bronchitis, 30 per cent., would be deducted from the percentage of incapacity. The doctor has stated that the worker is fit only for light duties.

The third one is similar. The worker is stated to have non-industrial disease of bronchitis and deafness. His degree of incapacity through industrial disease is 35 per cent., and the degree of incapacity through non-industrial disease is 20 per cent. Although he has an overall disability of 55 per cent., he is paid only the 35 per cent. Again, he is certified as fit only for light duties.

Under the amendment which the Government has seen fit to introduce, the claimants in these three cases would be assessed on the total incapacity—or perhaps not so in regard to the man suffering from deafness and the man suffering from hypertension; those would probably have to be excluded.

It must be remembered that in numerous cases a man having any degree of silicosis at all also has bronchitis. We all know and readily admit that bronchitis can be contracted by people who have never worked in a mine. A man may have worked in some other occupation where he has not come in contact with lung irritants and still contract bronchitis; but it is agreed by medical men—and laymen have advocated this for years—that a man having any degree of silicosis always has the accompanying disease of bronchitis; and the coincidence is too strong to be disregarded. The recent committee of inquiry which investigated the incidence of these diseases also reached the conclusion that bronchitis and silicosis should be bracketed together when they are found in a mineworker.

The next point of criticism I have is in regard to the setting up of the medical board. I believe I was one of those who advocated that to have, as the main assessor, the mine's medical officer who is appointed under the Mine Workers' Relief Act, and to place on him the responsibility of determining the amount of incapacity that a worker might have, would be to put him in a rather invidious position.

There appears to be legitimate ground for a divergence of opinion among medical men in regard to this disease; not so much in regard to the extent of the disease, but in regard to assessing a man's capacity for

work. The International Labour Organisation lays down a schedule and describes the different stages of the disease and how it should be assessed. But even this organisation points out that it should be considered in conjunction with clinical opinion and an assessment of a man's ability.

I know this may be very hard. We know that some people may be in a poor state of health yet they work much better than people who are in good health. It may be a question of the will to work, or it may be a matter of capacity. That is a vexed question.

The Bill proposes to set up a board consisting of—

- (a) the Mines Medical Officer, appointed under the Mine Workers' Relief Act, 1932;
- (b) a physician of the Department of Public Health, specialising in occupational diseases, nominated from time to time by the Commissioner of Public Health; and
- (c) a physician specialising in diseases of the chest, nominated from time to time by the Commissioner of Public Health.

That will, of course, be an improvement on the existing position. I consider that workers should have the right to nominate a physician to the board. They would be more ready to accept it and would feel they had some say in who would comprise the board. It must be remembered that under previous provisions in regard to an appeal board, workers had the right to appoint one physician to look after their interests on that board. I think the Minister should have a look at this point; and I propose to move an amendment in this connection.

I know it could be said that these three medical men are appointed from one source—from a government source. We know that the Government, through the State Insurance Office, has a monopoly of insurance in this field. That could be a ground for disquiet among workers in the industry. They could say that the Government not only runs the insurance office but, through a government department, it selects the three main men who shall constitute the proposed board. So I think that is another point the Minister should give some thought to.

Another provision in the Bill about which I am concerned is the one on page 6 which reads—

Notwithstanding any provisions of the Mine Workers' Relief Act, 1932, or any other provisions of this Act, the compensation payable . . .

That would not have conveyed much to me. I know it is in the Act at present, although I think the wording is slightly different. After comparing it I would say it tidies up the provisions so that they conform to the sections of the principal Act.

What aroused my alarm was the Minister's remarks in his second reading speech regarding this section. He stated as follows:—

Again, where a worker suffers from both tuberculosis, and either silicosis or asbestosis, he will be considered to be totally incapacitated until either the tuberculosis ceases to be active, or until he returns to work, whichever is the sooner.

He went on to say—

If this amendment is accepted, it will be necessary for an amendment to be made to the Mine Workers' Relief Act, which at the moment covers this type of incapacity.

For many long years, under the Mine Workers' Relief Act, there has been a provision which I consider unique in legislation in this State, or in any other State. The provision is where one Act gives entitlement under another Act, and the mine workers' relief entitlement gives to a worker who contracts tuberculosis with silicosis, the right to obtain compensation under the Workers' Compensation Act. I consider that should be allowed to remain so. I know the committee did make certain recommendations in regard to it in the report.

I say this to the Government: that the committee, by and large, made a very good report. I criticised the report in some respects—I did not agree with some of the recommendations—but I feel that overall it did a pretty fair job. The Government cannot take some of the recommendations—the ones which please it—and reject the others. It should either adopt the report or reject it. The Government should not just pick out the items which suit it.

I was concerned with the Minister's remarks where he said—

. . . until either the tuberculosis ceases to be active, or until he returns to work, whichever is the sooner.

We know that where a worker in the mining industry is unfortunate enough to contract tuberculosis and he has got a degree of silicosis, his case is harder to deal with than that of a person who just has tuberculosis. I think the honourable member for Wembley would agree with me on that point. If the worker has a great degree of silicosis it would be harder still to correct the degree of tuberculosis he has, or even to cure him.

But for the Minister to state that until either the tuberculosis ceases to be active, or until the worker returns to work, whichever is the sooner, I think is preposterous. When a patient in our very fine hospital at Hollywood is declared to have a non-active condition after being treated for tuberculosis, he is not ready to go to work—far from it. It will probably take quite a long time to rehabilitate that man. I understand that occupational therapy commences as low as an hour a

day, increases to two hours, and then to three hours. Even with this small amount of work some of the patients get exhausted very quickly.

We must remember that if the statement of the Minister is to be taken literally, compensation will cease as soon as a person leaves the hospital, because that is what the Bill states; until either the tuberculosis ceases to be active, or until he returns to work, whichever is the sooner. We could have the position of a worker in this category being discharged from hospital and not receiving any compensation. His condition is non-active, or quiescent, as it is termed, but he is unfit for work. What is he to exist on? Social service? He would not even be in receipt of the tuberculosis allowance, I take it. He would only get ordinary sickness benefit from the Commonwealth Social Services Department, and I say that is not good enough.

It must be remembered, too, that previously, anyone who contracted tuberculosis with or without silicosis was immediately prohibited from working in a mine, and he was not allowed to return to the mine. However, in 1960 this Government saw fit to amend the Mine Workers' Relief Act, which governs those provisions, to the extent that if a man was declared cured of tuberculosis he was allowed to return to the mine and work on the surface—not underground.

It must be remembered that many jobs on the surface of a mine—as in the crushing mill—are such that a man can contract silicosis. Once a man is unfortunate enough to have contracted tuberculosis, he must have very much weakened lungs and he must be more susceptible to all the pulmonary complaints. I consider that to be a very bad way of treating the mine-workers, and I opposed the amendment at the time. However, it is now the law.

Another provision in the Bill which I wish to mention—and I will have to refer back to proposed new subsection (1c) of section 8—states as follows:—

... but a worker who, after receiving compensation pursuant to this subsection, is subsequently employed in the mining industry, whether by the same or any other employer, shall not be entitled to any further compensation or benefit, in respect of any period of incapacity due to pneumoconiosis of any kind or to the aggravation or acceleration of any such disease, arising from his subsequent employment in that industry.

That means that a miner who has contracted silicosis, now to be called pneumoconiosis, and bronchitis, receives a measure of compensation. However, if he returns to the industry he will receive no further compensation, no matter how bad his condition gets. We know that time and time again men have gone out of the industry. They have ceased when as low

as 20 per cent. disabled, and in a few years have progressed to a much higher percentage, and sometimes to total disablement. Of course, under the Act those men receive compensation.

If a man is misguided enough to return to the mining industry, then he receives no further compensation at all; and if his death results from this disablement from silicosis and bronchitis his dependants would receive no compensation. That is another one which I think got under the Minister's guard.

I am wondering whether those who were responsible for drafting the Bill, and following out the committee's recommendations, did not make a mistake; because the committee did not recommend anything like that. The committee, in its report, said—

Where chronic bronchitis is found in a miner in association with diagnosable silicosis, as defined in this report, and where that miner on account of these diseases leaves the mining industry, the disabling effects of each disease shall be assumed jointly to be the effects of silicosis for the purpose of compensation, provided that:

(a) where a miner leaves the industry under such circumstances he shall not be permitted thereafter to return to the industry.

With that I heartily agree. That was my contention when I appeared before the committee. I stated that a man who received the full amount of compensation should not be allowed to return to the industry to further injure his health. Later on in the committee's report, at page 29, it states, in paragraph (e)—

No payment should be made while the worker remains in the industry, or, if he shall after leaving the industry, return to it, for the duration of such return.

That is a totally different proposition to what is in the Bill. From a reading of the Bill, if a miner returns to the industry he gets no further compensation. I quite agree that if he returns to the industry he certainly should not receive any compensation while working in the industry. But that is the position at the present time. Nobody can be receiving compensation, then return to the mining industry and still get paid—or at least I have never heard of it.

I think some mistake has been made in the drafting; and, in case there has not been, I intend to take precautions by putting amendments on the notice paper, to rectify the position. My amendments will be in the terms of the committee's recommendations. We cannot adopt some recommendations of the committee and ignore others.

The matter of second schedule payments has been dealt with very ably by the honourable member for Mt. Hawthorn, and I shall not deal with them. However, I do want to deal with the proposal in the Bill to delete a certain provision from the third schedule where it starts with the words "trade spasms and cramps" and includes silicosis, miner's phthisis, and a number of other words, which, as I do not have sufficient confidence in my ability to pronounce them, I will skip. The reference goes right down to the word "dermatitis," and it includes that word.

I take very strong exception to the word "dermatitis" being taken out. I am well aware that the word "dermatosis," and a description of it, appear further up in the schedule; but I am reliably informed that this does not confer the benefits on workers, and particularly those in the mining industry, which some people think. I have also looked up the definition in the *Oxford Dictionary* and it varies slightly and describes a slightly different disease.

Dermatitis is a complaint suffered by workers who come into contact with the chemical processes used in mines, and also with the mineralised water found underground. I am told that if workers suffer from an allergy, or the right conditions are there, the complaint can be brought on by nervous fatigue, and from time to time workers on the mines contract dermatitis. In the past they have been compensated for that and, therefore, I consider the word "dermatitis" should remain in the principal Act. If it is the intention of the Government to continue compensating injured workers who contract that complaint, the principal Act should be left as it is and the word should remain.

Another complaint I wish to take the opportunity of endeavouring to add to the list of industrial diseases caused through industrial processes—and I think this is an opportune time to do it—is occupational deafness. This is something to which I think the Government should give sympathetic consideration, as I hope it will do to my other proposals. We know, beyond any doubt now, that a good deal of deafness is caused through industry, and this is an ever-increasing hazard these days because of the types of machinery that are being used. These machines cause a great deal of noise, and that has a bad effect on the hearing of workers operating the machines.

We know that the Commonwealth scientific people have carried out tests on workers in industry; and, indeed, our own Public Health Department has carried out tests in the mining industry in this State to ascertain the degree of noise to which workers are exposed, and the

resultant degree of deafness that some of them develop after being employed in the industry for some time.

The SPEAKER (Mr. Hearman): The honourable member has another five minutes.

Mr. MOIR: Thank you, Mr. Speaker. In the past this deafness has been referred to as boilermakers' deafness, but I think the correct term is "occupational deafness".

Other items I would like added to in the third schedule include the effects of X-rays, radioactive substances, or other ionising radiation. These items would relate to employment in an occupational situation whether the worker is or was exposed to radiation from X-rays, radioactive substances, or other ionising particles. We know that with the march of time and science, more and more people are coming into contact with these materials, and will continue to do so in the future. Therefore, I do not see why workers who are affected by these substances should not receive compensation for it.

I notice that the honourable member for Wembley is looking very interested. He would know, of course, that the radio-grapher who comes into contact with X-rays could be exposed to these dangers, and there could be times when mistakes would be made which might affect patients. It must be remembered, too, that miners have to submit themselves to compulsory examinations every 12 months, and sometimes more frequently.

The other item I wish to add to the third schedule, when we reach the Committee stage, is poisoning by other chemical substances. We know that at the present time all sorts of poisonous substances are used in different materials, and frequently people know nothing about them. A man may go to his doctor and, although it is known he is suffering from the effects of a poison, he cannot describe any poisonous material with which he has been working. But upon investigation it might be discovered that he has been coming into contact with a poisonous chemical which at the present time is not covered under the Act.

With those remarks, and as my time is running out, I have pleasure in supporting the parts of the Bill which I think are very good, but I wish to voice my criticism of those provisions which I think need criticising.

MR. BRADY (Swan) (9.50 p.m.): I intend to say a few words on the Bill because in an industrial area such as I represent there are many compensation cases and people who have been hurt in industry. At the outset I want to point out that I will not make a long address. I will leave that to the Committee stage; because,

with many other members on this side of the House I intend to ask the Minister to agree to amendments to several clauses of the Bill so that in a piece of legislation that seeks to award compensation payments in line with the economic capacity of this State greater justice can be meted out to those who are hurt in industry.

Earlier this evening some speakers pointed out that the Government had made promises to introduce worth-while amendments to the Workers' Compensation Act over quite a long period. I am afraid, however, that when the workers learn of the contents of this measure they will be greatly disappointed to find that the increases to be awarded in compensation payments are so meagre. It is true, as one honourable member has said, that there have been four amendments to the Workers' Compensation Act over the past five years; and, when a study is made of them it will be found that they are all administrative amendments.

For example, one amendment has lined up the compensation payments with the adjustments to the basic wage; and another provision now refers to the State X-ray laboratory instead of the Commonwealth Health Laboratory. Those two amendments are typical of those which this Government has been introducing; and it has been fobbing off the members of this House by making statements to the effect that it is going to introduce worth-while amendments to the Act. The fact remains, however, that no worth-while amendments have been introduced.

Even the amendments proposed in this Bill are not great in significance, despite the fact that members of the Opposition appreciate that two of them will be of benefit to workers. For example, the to-and-from clause, which this Bill seeks to incorporate in the Act, is in the legislation of practically every State in the Commonwealth, and has been for some time. Further, I suppose that is the provision which has minimum application so far as the payment of workers' compensation is concerned. So there is very little to be gained by the workers of this State from the application of that clause.

Mr. H. May: It represents crumbs from the rich man's table.

Mr. BRADY: Yes; as the honourable member for Collie has stated, these amendments are only crumbs from the rich man's table; but, nevertheless, they are appreciated. In regard to the other provision, which has relation to industrial diseases, there is no doubt that a grave injustice has been suffered by the workers engaged in the mining industry over the years. I do not suppose there is any industry, other than the mining industry, where more diseases are suffered by workers. In the mining industry, many of those workers who have been working underground for

five years or more now find they are suffering from silicosis or other allied diseases, and yet they are precluded from applying for compensation.

Strange as it may seem, although I represent the Swan electorate, within the boundaries of which no mines operate, I am repeatedly being approached by men asking me if I can assist them to obtain workers' compensation for diseases which have been caused by their working in the mining industry. I have had three or four doctors telephoning me and asking why these men cannot be paid workers' compensation, because the disease from which they are suffering was contracted in the mining industry.

Mr. Burt: You will not have to worry any more.

Mr. BRADY: I am pleased to hear the honourable member for Murchison say that; but the fact remains that justice has been denied these men for far too long. Why should they have to face the difficulties, the worry, and the troubles they have had to face, together with their families, when they should have been granted justice, in the way of adequate compensation payments, some five or six years ago?

I can cite a typical case of one of these men, whose name I will not mention because he has not given me authority to do so. On the 27th of August last he was granted a certificate by his doctor which states—

This man has been attended by me for the past five years with progressive emphysema and chronic bronchitis. He has recently had bouts of chest infection. The X-rays show some pulmonary fibrosis. To what extent the period he spent underground in the mines contributes to his pulmonary fibrosis no one can say with any degree of definiteness. Obviously there must be some damage and I consider this man has some claim.

That is the type of certificate doctors are issuing to men who are suffering from mining diseases; and the other day one doctor telephoned me and said that after 20 years' absence from the mining industry one of his patients showed signs that he was suffering from bronchitis arising from his having contracted silicosis whilst working in the mining industry. Both of these men were fighting their hardest to be awarded compensation for the disease, and now, I understand, they have not yet been notified they are likely to be protected. As the honourable member for Murchison has said, such men will have nothing to worry about in the future, and I hope for the hundreds and hundreds of men who will be affected that that will be so.

Like the honourable member for Boulder-Eyre, and other honourable members who have spoken, I am grateful for the small crumbs that have come from the rich

man's table in the form of the amendments proposed in this Bill; but on behalf of the great majority of workers in my electorate I am disappointed in general with the contents of this measure. In making a comparison with the provisions contained in the legislation of other States I find that the compensation payments there are far in excess of those awarded in Western Australia under many sections of the Act; and to that extent I am disappointed with this Bill.

I will now deal with the payment of the hospital and medical expenses. Whilst the amounts to be awarded are in excess of the State average, they do not equal the amounts prescribed in the legislation operating in other States, which are fairly liberal. Then again, many of these men who have applied for the payment of compensation these days find that they have to resort to litigation to be successful in their claims. I know of one man who has been fighting for his rights in the courts for two years. He must have had two or three different legal firms representing him in an effort to obtain justice.

Despite the fact that this man was very sick, he fought on. Initially, he was offered £900 as payment in full for workers' compensation; but he refused. He was then offered £1,000, and he refused that amount. Month after month he continued to fight for his just rights, and ultimately he was awarded in the vicinity of £1,500. However, after he had paid his lawyers' expenses and amounts due to other persons, he was left with a balance of approximately £1,200. He has only had the money for about two months and his cash balance has now decreased to approximately £1,000.

But that is not the worst aspect. Some of these men, after leaving the industry, are crippled for life. Others are told by their doctors that they cannot perform any heavy manual work; and they cannot be rehabilitated. To that extent they are a burden on their families and to themselves for the rest of their lives.

There is no worth-while provision in the Bill to cover such men. In the Act there is a section which provides that if a man is permanently incapacitated he shall not be paid more than 50 per cent. of the maximum figure, which is already pegged. A more human approach to these problems, and for liberal payment of compensation is justified on the part of industry and commercial firms which benefit from the services that have been rendered by these men. I meet dozens of people who say that every worker is covered by workers' compensation; that the workers are never satisfied.

But, believe it or not if a single man gets killed tomorrow while on a job and he has no dependants his family gets nothing; they get not a fraction of compensation. All the young fellow gets is a

tombstone and a decent funeral. That is the contribution of industry and commerce today to single men in Western Australia. Is that a fair thing?

Let us consider the case that was printed in *The West Australian* this morning. I had personal knowledge of this case for two or three months. It appears in *The West Australian* of Tuesday, the 20th October, and reads as follows:—

Working Widow Will Get Compensation

A widow who was refused compensation for her husband's death by the Workers' Compensation Board will receive some compensation as a result of a judgment of the State Full Court yesterday.

This is rather ironical. To continue—

In a unanimous reserved decision, the court ruled that the board was wrong in law in finding that Mrs. Georgina Elizabeth Helen Borson, of West Road, Bassendean, was not entitled to compensation.

I do not want to read the three columns that this case took up. In short, there was a young couple who got married in England and came to Western Australia looking for employment. In a very short time the husband got a job as an electrician. The wife also went out to work to help keep the family pot boiling. The young fellow in question was electrocuted while on an electrical job at or near the university, and he was not found until the next morning. His widow was denied compensation for 18 months. She fought for justice for that period, and the Workers' Compensation Board said she was not entitled to compensation.

That is the sort of case which makes workers wonder whether there is any justice in the law. This young widow has returned to England, and I am sure she will not take with her a very good impression of the workers' compensation law in Western Australia.

I would like to issue a warning to those workers whose wives go out to work. Unfortunately, of course, the economic conditions being what they are we find that thousands of such wives do go out to work. The warning I would like to issue is for them to beware; to be careful; to be cautious; because they might find themselves caught up in the same position as this unfortunate widow who had gone out to earn a few pounds to help improve her standard of living. She had to do this, of course, because it is obvious we will not get any assistance from the arbitration court or the various employers' organisations in this direction. It is possible that working wives could find themselves in a bad position in the event of anything happening to their husbands.

If the Government really wants to do something worth while it should ensure that the Workers' Compensation Act rectifies this anomaly as it relates to a woman who goes out to work and who is refused compensation, even though she is entitled to £3,000. These people have to fight for their rights. If there had been nobody interested enough to fight for 18 months to help the young widow I mentioned to get her compensation it is possible she would have obtained nothing at all.

I daresay there are hundreds of cases which are not compensated at all. Insurance companies are making larger profits than ever, and this is certainly a very lucrative type of business for them. The honourable member for Mt. Hawthorn quoted certain figures for the years 1961 to 1964. Some insurance firms are assessed as having a 70 per cent. liability and a 30 per cent. administration profit basis to work on. If they can keep the figure below 70 per cent. their profit figures rise accordingly.

Instead of sending us a very small report from year to year the Workers' Compensation Board should give us a full report of all the claims that have been turned down and why they have been turned down; it should give us an assessment of what the insurance companies are taking from industry and commerce by way of premiums, and what they are putting back for the money they are taking.

I think it is essential that we should be given a full and comprehensive report to help Parliament and the Government of the day, irrespective of its colour, to assess the position. I am sure nobody knows what the position is at the moment, or what is being made by way of profit by these insurance companies. What annoys me more than anything else is that the widows and children are the eventual sufferers. They must suffer indefinitely; indeed, some children suffer for the rest of their lives.

I recall a case which occurred when I was secretary of the superphosphate union. A man was killed while going into the Cresco Superphosphate Works on his bicycle. He was killed by an engine. He heard nothing because the wind was in the wrong direction. We fought that case as far as the High Court and we lost it. The decision did not affect the widow only but the rest of the family as well. Some of these things make me terribly bitter, particularly when I know what certain families have to suffer and contend with as a result of being denied justice by industry and commerce. They are denied this justice because they are inadequately protected by the Workers' Compensation Act.

This being so I am always prepared to do what I can and play my part to help improve the position wherever possible.

The honourable member for Eyre referred earlier to occupational deafness. That is one aspect with which I am concerned. In the last month or two I suppose that at least three boilermakers or their representatives have met me and discussed this hazard of deafness with which they are confronted in their industry, particularly in the workshops and factories in the metropolitan area where they are working on boilers and using percussion hammers and so on. It is tragic to meet some of these young apprentices five years later, and to find them holding their hands to their ears and asking one to repeat what one said. It is all very well for the honourable member for Darling Range to laugh; and I daresay the workers in his electorate will take note of his laughter.

Mr. Dunn: I am laughing at you.

Mr. BRADY: I know of a man who is not yet 30 years of age, and who is hard of hearing. That is the sort of man who should be given compensation for the disability he suffers. These young fellows want to leave boilermaking and to join other industries; but it is not possible for them to do so because they are deaf, and nobody wants a deaf man around a factory. During my association with the Trades Hall I have had employers saying to me that they would not mind employing such men if they were not deaf. But they would be a danger to the rest of the workers. It is only fair and just that these workers should receive compensation, but there is nothing in the Bill to protect them.

Earlier I referred to the legal expenses incurred and to the difficulties experienced by some workers in trying to obtain their proper adjustments. I referred to one worker in Midland who, for two years, had to institute legal proceedings to try to obtain some semblance of justice. He has had to pay considerable legal costs. The day has come when the Government should consider paying a percentage, if not all, of the legal costs in this type of case.

Mr. H. May: There should be no need for legal costs at all.

Mr. BRADY: The fact remains that there are legal costs to be met. The only way to get justice is to fight for it through the courts. Take the case of the woman whom I mentioned earlier. She has been fighting for two years for her just rights, although from the outset it was plain as a pikestaff to everyone but the Workers' Compensation Board that her husband was killed while he was carrying out an electrical job, working for an employer who no doubt had paid the premium under workers' compensation.

We are all aware that the payment of workers' compensation is not a gift from the employer, because all employers have to pay these premiums, and in that way

the workers are protected. Why should not that particular worker who was killed, or his dependants, be entitled to the compensation? Why should not the worker in Midland who fought for two years to receive justice, have his legal costs paid? If a few more people had to meet such heavy legal costs through increased premiums they might be more generous in their viewpoint, as regards helping such unfortunate workers.

I could go on speaking from my notes for the next half to three-quarters of an hour without any great difficulty, but the honourable member for Mt. Hawthorn and the honourable member for Boulder-Eyre have covered the position fairly well. We will have an opportunity during the Committee stage to make further suggestions, and I shall take full advantage of that. In the meantime I support the Bill, because I consider a little is better than nothing at all, or half a loaf is better than none.

I support the Bill but deplore the fact that this Government, after five years in office, has not been more generous in recognising the contribution which the workers—whether they be in the pastoral, mining, or other industries—have made to the economic uplift of Western Australia. In all justice they are entitled to greater consideration when they sustain an injury or are killed in the course of their employment. Their families are entitled to receive more than they do, because of the great difficulties which they face through the demise or injury of their breadwinner. In many cases when workers are permanently incapacitated they are unable to take on full-time occupation. Once they are so placed their families have to carry on somehow or other for the rest of their lives. I consider they are entitled to greater consideration from the Government and from business interests.

MR. BURT (Murchison) [10.14 p.m.]: I would like to add some brief comments to the debate on this Bill. Naturally enough I am concerned with its impact on the goldmining industry. Whilst I consider the various amendments in the Bill to be very worthy, and in nearly every case richly deserved, we must not lose sight of the fact that the goldmining industry will suffer considerably when the provisions of the Bill come into operation.

The honourable member for Mt. Hawthorn in referring to the reduction in premiums quoted the reductions in a number of industries. Although we know the Premium Rates Committee has gradually reduced the premium on industrial diseases in the goldmining industry from 80s. per cent. in 1953 to 20s. per cent. in 1955—which figure is still in operation—we find from the financial statement of the State Insurance Office that in relation to industrial diseases the claims paid out in

1963-64 totalled £238,666, while the premiums collected amounted to £56,554, or a deficiency, after allowing for administration costs, of £190,328.

Mr. H. May: Whose fault is that?

Mr. Moir: That shows the premiums are too low.

Mr. H. May: Industry is not paying what it should pay.

Mr. BURT: Exactly! I am pointing out just that. It is the goldmining industry which is paying the premium, and that industry will have to face a greatly increased premium, without taking into consideration the additional premiums which the amendments in the Bill will impose.

Mr. Jamieson: That is a specific fund. They are receiving rebates on the amounts which are paid under general workers' compensation.

Mr. BURT: I understand the Premium Rates Committee had made a recommendation—before the amendments in the Bill were proposed—to increase the premium of 20s. per cent. to 75s. per cent. for industrial diseases. As honourable members representing goldmining electorates are aware, in addition to the industrial diseases premium there is the general accident premium, which is about 95s. 6d. per cent. If the industrial diseases premium is increased to 75s. it will result in a total premium of about £8 per cent.

There are roughly 5,000 men employed in the goldmining industry. If we take their earnings at an average of £20 a week, that means a total of £100,000 a week in wages. If the premium is increased by, say, another £3 for pneumoconiosis and industrial diseases, that will add roughly £3,000 a week to that industry, or another £150,000 a year. I emphasise that will be the increase, apart from any increases brought about by the amendments in the Bill.

It should be realised that the goldmining industry, which at present consists of about six mining companies, which are showing a profit and are able to continue operations, will have to absorb this tremendous increase; yet I consider it is very justified.

As the Leader of the Opposition said in his speech on the Annual Estimates, the goldmining industry is the one industry which cannot pass on its rising costs; so somehow or other this industry in Western Australia will have to shoulder one of the biggest burdens which has been forced on any particular industry in this State. It rests on the committee proposed in the motion passed by this House—which I hope will eventually be appointed—to overcome this extra burden somehow. We hope it will be overcome mainly through extra assistance from the Commonwealth Government.

The most important amendment in the Bill affecting the miner is the retrospective provision. Every honourable member will agree with the justification for this provision in the Bill. Honourable members are continually faced with the position where a miner, disabled by silicosis, has been unsuccessful in obtaining compensation because of the earlier provisions of the Workers' Compensation Act, in that the incidence of silicosis was not noticeable within the three-year period, or that he did not claim for it within that period. As a result, they have been under a tremendous disability; and now, as we know, if this amending Bill goes through Parliament, these very deserving cases will be duly compensated.

The clause relating to bronchitis is another good one, although I have been told by doctors that bronchitis is very often increased in its strength by the habits of the miners themselves. In other words, men who disregard ordinary hygiene and who perhaps smoke and drink too much are far more prone to bronchitis than those who look after themselves in their personal habits. However, bronchitis is only a step from silicosis, and I think it is extremely deserving that this disease will be compensated.

At this stage I would like to mention that when giving evidence to the committee I suggested that a booklet should be printed and handed out to workers in the mining industry. My reason for making that suggestion was that I have had so many cases brought to my notice where men in the industry either did not claim, or did not receive the notification of their silicosis until after the statutory period. They told me they did not know they had to claim and that they had never been advised it was necessary for them to register under section 50 of the Mine Workers' Relief Act. I feel the unions could have been more active in advising the men that, irrespective of whether they had silicosis or not, if they were leaving the industry it was their duty to put in a claim.

Mr. Moir: Wouldn't you agree that it would be most difficult to put out a book when there has been so much divergence of opinion as to what the Act really meant?

Mr. BURT: I agree it was very difficult to understand it; and I have not been able to do so up to the present time. It is also difficult to understand some of the decisions arrived at by the State Government Insurance Office when awarding claims. However, if a man leaving the industry was told that no matter how well he felt and how far distant in his own mind he felt silicosis was he should submit a claim—I am referring to the time before the three-year period was repealed

in the Act—he would have been covered at any subsequent stage in his life. The same applies to the section—

Mr. Moir: Before you go on, the serious weakness in that suggestion is that he would be paid, according to the Act, at the time he made the claim and not subsequently.

Mr. BURT: I understand that; but it would be better than not getting anything at all.

Mr. Moir: Certainly.

Mr. H. May: That is all it would amount to.

Mr. BURT: Even now if a miner leaves the industry and does not register under section 50 of the Mine Workers' Relief Act, he is not covered after the three-year period expires. I feel a booklet, or some type of instruction, should be given to all men who are leaving the industry. It is a peculiar thing that a worker in the mining industry can receive advice that he has contracted silicosis, but if he does not wish to claim he is allowed to continue in that industry; and with the present shortage of skilled miners he is certainly not discouraged.

Mr. Moir: In a great number of cases they are the most skilled men.

Mr. BURT: That is so. The experienced miner is the man who has been underground for a long time, and naturally he is more likely to be one who would receive notification that he has contracted silicosis. However, he is so good at his trade and is earning such good money that he does not wish to leave the industry and claim compensation. But sometimes a miner does feel he has to get out of the industry for health reasons and he notifies his employer accordingly, and he receives compensation to the extent of his disability. That seems strange, but I think that is the wording of the Act.

A man who is, perhaps, 40 per cent. disabled from doing his job receives 40 per cent. of the total compensation, but at the end of that period he is allowed to go back into the industry; and to all intents and purposes he is 100 per cent. effective in doing his job. On the expiration of, say, another year or two he can be re-examined and then find that he has contracted another 15 per cent. or 20 per cent. silicosis. In this case he can retire again and receive that much more compensation; and so it goes on. But the industry is in such a state today—incidentally I was at Hill 50 yesterday and they were short of 60 men—that miners are encouraged, provided they are not doing untold injury to their health, to continue in their employment.

The general assessments of claims in the mining industry last year increased to 160. When this retrospective clause becomes law, I do not know what the amount will be. I suppose one of the

reasons why this clause was not introduced earlier was that the liability was completely unknown. Whilst some say it will be £10,000 a year, others think it will be something like £50,000. Naturally, the amount for the first year will be the greatest; but it will be possible for miners who have left the industry and who might now be living in some other part of the State to come forward and justly receive their claims.

Mr. Guthrie: Most would be picked up by the T.B. X-rays. Their names would be known.

Mr. BURT: I think quite a number would be, but it is an unknown liability which the mining industry must bear. However, as I said at the beginning, it is a very sound and worthy move in relation to workers in the mining industry and I only hope the great impact I know it is going to make on the economy of that industry will not be driving a further nail into its coffin. I support the Bill.

MR. FLETCHER (Fremantle) [10.29 p.m.]: In a general way I wish to make a few comments on this Bill. I would first make reference to the fact that perhaps this State is fortunate in that the honourable member who has just resumed his seat—or rather at the moment is leaving the Chamber—represents a mining area in which the provisions of this Bill will be of considerable assistance to employees within that area; and since the Government is, no doubt, endeavouring to consolidate that honourable member—which we on this side of the House would also do—in his particular electorate, it is fortunate for the miners that they will benefit as a consequence of the amendments that are in this Bill. I refer to those miners who have been affected by miner's phthisis and to those suffering from pneumoconiosis and other allied complaints.

It is also fortunate for this State that the present Government is at last taking cognisance of the amendments we attempted to achieve over the years. Without exception, practically, since I have been here, the honourable member for Mt. Hawthorn has every year attempted to amend the Workers' Compensation Act in more liberal terms than those under this Bill. But at least the Government has gone part of the way to achieve the standards we attempted to establish.

I could be accused of being uncharitable in saying that the workers of this State are fortunate in that there is an election pending next year and that the Government has introduced this Bill late in this session in an attempt to buy sufficient votes for the next election.

Mr. Rowberry: What do you mean by "sufficient"?

Mr. FLETCHER: That is what the Government hopes. But it is a shame that the Government will attempt to perpetuate its

position on that side of the House in such a manner. However, we cannot look a gift horse in the mouth, and I accept the Bill and what it gives to those I represent.

As I said earlier, I will speak in general terms on the measure. I do know that some benefit will be afforded those who have worked in the mines and some years later, found they were dusted. At the moment, if they have not worked in the mines in the three years prior to ascertaining that they had the dreaded disease, they are not entitled to compensation. It appears that this Bill at least will take care of those people. It is an ill wind that does not blow someone some good!

There are aspects which are not covered by this Bill, and I will deal with them at greater length, possibly, during the Committee stage. For instance, I do feel that amendments should be made to ensure that the dependant or dependants of an injured or deceased worker will receive sufficient entitlement by way of weekly payments for a period sufficient to ensure lack of financial worry until social service payments are available. I believe the Midland Railway Company, for example, prior to the Government takeover, made such a provision. The company carried its own insurance, and possibly other private firms do likewise. I think Millars is another one which follows the procedure of carrying its own insurance. It is very desirable that such a provision should be written into this Bill.

Possibly within the State Government Insurance Office a fund could be established or, alternatively, the workers' Compensation Board could administer a fund from which payments could be made to tide the dependants of an injured or deceased worker over that initial period. I am sure honourable members can envisage a situation where a husband will go to work and just not come home. The wife will naturally be prostrate. We can imagine her feelings, especially when children are involved. There is nothing coming in, and nothing may come in for some time, particularly when a case becomes protracted or pigeon-holed for some reason.

We must remember that a man on the basic wage, or even on a tradesman's wage, lives from week to week. I do not have to go further than my own experience prior to entering Parliament to know this, because at that time I was on a tradesman's inadequate wage. A sympathetic employer might perhaps send to the widow the wages up to the deceased worker's death and perhaps *pro rata* annual leave due; and that is all the widow receives on which to manage. Therefore, as I have said, this Bill could well make provision for the establishment of some fund to cater for cases similar to those I have mentioned. The unsympathetic employer on the other hand waits until the deceased's dependants ask for the few days' pay due.

Other cases were brought to my knowledge when I was in industry and also since I have been a member of Parliament, during which time I have in that capacity found it necessary to help dependants of injured workers. For instance, an employee in hospital is in no state to fill in forms, particularly if no almoner's department is attached to the hospital. Such an employee can wait many weeks before even making application for entitlement. Even if an almoner's department is available for assistance, and the forms are filled in forthwith, an employee still has to wait three weeks before receiving any payment and his dependants still have to manage somehow in that interim period.

Private hospitals do not make provision for almoners to assist an injured worker, and if one is too sick or in too much pain to worry about filling in forms, his dependants, as a consequence, suffer the hardship I mentioned. I asked the Minister for Health—I do not want to disturb him at the moment—some questions in relation to easier access to doctors' certificates from government hospitals. I was desirous that the procedure be made easy for injured workers to obtain doctors' certificates in order that benefits or compensation entitlements might be paid. Such entitlement can become protracted as a consequence of difficulty in obtaining a doctor's certificate. I will quote one instance which came to my notice recently.

A New Australian of Dutch extraction was taken to hospital, and then sent home some days later with his leg in plaster. I will ask honourable members at this stage to take into account the language difficulties because of this man's Dutch extraction. He was in real trouble. He had no knowledge of the name of the doctor who treated him when he was taken to hospital—the doctor who cared for him on his admission. Payment was deferred pending the receipt of that doctor's certificate.

Finally I got through the language barrier and rang Perth Hospital. I was asked over the phone for 3s. I do not know how he anticipated my sending the 3s., but I was asked for it by the clerk in charge. I had to tell him rather forcibly to post the certificate down to me. Here is a man who is entitled to workers' compensation, but he is not receiving it because he has not received the doctor's certificate.

These things happen. So, as I say, there is room for an amendment in this Bill to cover such contingencies. This is only one case. I have no doubt there are many. As a matter of fact, I am sure of it, because it is only one of many cases of which I have knowledge.

Even though the Bill provides for an increase in hospital and medical expenses, they are still inadequate in relation to the high cost of medical and hospital attention. Last year I quoted a case in support

of an amendment moved by the honourable member for Mt. Hawthorn for an increase in the payment of hospital and medical expenses. I quoted the case of a cabinet maker. I could refer to *Hansard* and quote the case again, but I will not bore the House. However, the case of that cabinet maker is one that has been repeated many times.

To refresh the memory of members, the circumstances, in brief, were these: The man concerned was working on a wood-working machine. A small section of timber, some feet long and perhaps an inch square, came over the back of the saw. The honourable member for Warren will know the expression used, as a consequence of his having been associated with the industry. The length of timber struck the man in the forehead. It penetrated his skull, injured his brain, affected his sight, and paralysed him down one side.

That unfortunate man spent all of his hospital expenses entitlement, all his doctor's expenses entitlement, and all his compensation payments seeking a cure for his complaint. He even went east to see specialists in Melbourne and Sydney. He spent the entire amount, and he was in a condition of penury when he came to me at the Fremantle Trades Hall. I filled in invalid pension papers for him, and this unfortunate man is now receiving an invalid pension—a man of less than 40 years of age.

I mention that case to illustrate just how inadequate are the medical and hospital expenses which this Bill grants; how inadequate are the expenses, which fact has caused us over a period of years to seek greater amounts on behalf of those whom we represent; on behalf of those who produce the wealth, not only of Western Australia but of Australia as a whole.

I will mention another case. I do not like quoting family cases, but I do not have to go further than my own brother. All his fingers have gone, plus one thumb. Two hands with finger stumps, and a mutilated thumb—that is all he has; my own brother. Those fingers were lost in industry; gobbled up by machines. He is still working on precision machines, upon which he has no doubt earned his employers many thousands of pounds.

After all these years he still requires surgery, which he is unable to afford, to release the tight sinews in the palm of one hand. There is also a tender spot where the bone is too close to the surface on another stump. He spent, years ago, his medical and hospital expenses; and he is now still on a tradesman's wage, with three kiddies and a wife to support, and a house to try to pay off in his lifetime. But he is only one of many. He has earned thousands for his employers; and while with the S.E.C. he assisted in keeping the wheels of industry turning to help the economy of this State.

I said that I would generalise on this Bill. I am not satisfied with the amount of expenses that are made available to injured workers for hospital and medical expenses. I am not satisfied with the amount that is paid to the dependants of deceased employees. I am not satisfied in many respects; but, as I said earlier in my remarks, we cannot look a gift horse in the mouth. Having that in mind, I support the Bill on the undertaking that I will support those honourable members on this side of the House who may seek to amend it to make it more desirable.

MR. H. MAY (Collie) [10.46 p.m.]: Once again we are faced with a tidying up of this wretched Workers' Compensation Act. I want to say at the outset that over the last five years this Government has dealt with this Act, and it is still in a very sorry situation.

I do not intend, in the few minutes that I propose to speak, to deal with the various phases of the amendments contained in the Bill. It would be quite easy to say a few words on what the Bill contains in the interests of workers; but it would take a long, long time to record what the Bill should contain.

If ever a Statute in this State has been nibbled at, it is the Workers' Compensation Act. Year after year since the present Government took office, the Opposition has introduced motions with the object of rectifying and adjusting various phases of the Act; but always, every year without exception, the Government has disregarded those motions on the plea that it intended to bring forth various amendments to the Workers' Compensation Act. And what miserable amendments they have been!

They have really been pitiful so far as any help for injured workers is concerned. I have said before in this Chamber that the expenses of an injured worker should be met by the industry in which the worker is engaged when he receives his injury. We had the spectacle of the honourable member for Murchison trying to tell us that the goldmining industry would not continue to exist if increased workers' compensation payments were paid to workers in the industry.

Can honourable members understand anyone getting up in this Chamber and saying to the workers, "We can't pay you adequate compensation, or compensation which you rightly deserve for injuries sustained in your employment, because it will affect the welfare of the goldmining industry?" Did honourable members ever hear anything so ridiculous or so mean? I was more than surprised to hear the honourable member for Murchison make those comments. Can he really expect any of us to believe that at the present time the goldmining industry is dependent on miners' workers' compensation

payments for its existence? Of course not! But that is what the honourable said.

Mr. Burt: No.

Mr. H. MAY: Oh yes you did!

Mr. Burt: You are twisting my words around.

Mr. H. MAY: That is exactly what the honourable member said. He said, "The goldmining industry will suffer if workers' compensation is increased." They are the honourable member's own words.

Mr. Burt: If the premiums were increased by £150,000.

Mr. H. MAY: You said, "compensation."

Mr. Burt: Of course it will suffer.

Mr. H. MAY: Does the honourable member believe that a worker injured in the industry should receive lower compensation payments so that the goldmining industry can be kept afloat? That is exactly what the honourable member said.

Mr. Burt: No. You are trying to put words into my mouth.

Mr. H. MAY: I am not trying to put words into the honourable member's mouth; I think he is quite capable of expressing his own views. But how can he tie up his remarks about the trouble it would cause industry if adequate compensation were paid to workers injured in industry with what one sees when one looks down the Terrace? There we notice that all the monumental buildings—all the elaborate buildings in Perth—belong to insurance companies. Yet tonight the honourable member asks us to believe that the goldmining industry can only be kept in existence if workers' compensation payments are not increased—in other words, the workers cannot receive adequate payments because, if they do, it will put the goldmining industry out of existence!

I never thought I would have to sit here and listen to that sort of thing. The workers in this State have never received adequate workers' compensation. Not one industry in this State has ever met its responsibilities in this regard. But why should they not do so? Has every industry in this State to rely on the workers taking less in workers' compensation payments so that it can be kept in existence? What a silly argument that is! I have heard some non-sensible arguments put up in this Chamber, but tonight the honourable member for Murchison has capped the lot.

We all know the goldmining industry is in a bad way. We all know that those responsible to see that its position is improved are not taking the notice that they should take of its plight. The honourable member for Murchison moved

a motion for the appointment of a committee to approach the Federal Government on behalf of the goldmining industry. What is happening about that? Who is holding that motion up? In the meantime the workers who are injured in the goldmining industry have to put up with inadequate compensation payments. Yet people think we are being governed properly and that everybody is getting his just due. No such thing!

That never happened even when the Labor Government was in power. It introduced amendments to the Workers' Compensation Act; but what happened to them? They went down the road somewhere; and, as everybody knows, they were thrown out of the window on every occasion. Now we have a Government which, over the last five years, has pretended to bring in amendments to provide for adequate compensation. It only pretends to do it, and whatever it says goes down the other end and is immediately accepted. It is about time somebody took stock of the situation, and it is certainly time the workers took stock of what is being dealt out to them by the present Government.

The allowance for medical and hospital expenses has never met the situation properly. The honourable member for Wembley would know that through his experience as a doctor. Why is a man injured in industry not covered sufficiently to meet all his medical and hospital expenses? Can anyone imagine anything so vile as a man—working in industry—suffering a degree of incapacity, and not receiving a sufficient allowance to cover all his medical and hospital expenses?

Why should those who are supposed to look after the workers' interests be allowed to say, "We can only pay you so much for your doctors' and hospital bills. After that you have to meet your own expenses"? What a situation, especially for men working in the country districts who are sent down to the city for specialist treatment as a result of injuries they receive in the course of their employment! A tuppenny-ha'penny allowance that will not last five minutes! Yet we have honourable members on the other side of the House who try to make us believe that the injured worker is getting sufficient compensation and medical and hospital benefits at present under the Workers' Compensation Act!

These payments have never been sufficient. Do honourable members opposite think it is right that a man who receives the basic wage in industry, and who is injured as a result of his employment, should get less than the basic wage while he is on workers' compensation? Do they think that a man and his family can live more cheaply when he is on workers' compensation than when he is working? Of course

they cannot! Yet we go on, year after year, without doing anything about it. It is a wonder to me that the working class put up with it.

The old, old cry is that industry cannot afford to pay more. I say now, as I have said in this Chamber on many occasions, that no industry should be allowed to exist in this State unless it is capable of completely covering for workers' compensation those who work in that industry. Every industry is responsible for the men who work in it, and it should ensure that they are adequately covered in the event of their sustaining an injury. Nobody opposite would dispute that. It cannot be disputed.

One or two members of the Opposition think these amendments being made to the principal Act are a wonderful thing, including the fact that workers in industry will be compensated while travelling to and from work. This is something we have looked forward to for many, many years, and at last something is to be done in that direction and we should be pleased about it. Of course we are pleased about it! We are pleased with anything that will give adequate compensation to workers who are injured in the course of their employment.

I do not know how honourable members can sit behind the Government and think that by this Bill they are doing their best about workers' compensation. I just cannot understand it. The only reason that I can think of is that nobody on the other side has ever had to work in industry, and has never been injured in the course of his employment. The only way the inadequacy of workers' compensation payments can be brought home to people is if they are injured in industry themselves, and they are made to suffer from the inadequate payments. That is the only way they will be made to understand that a worker should be covered in every respect while he is suffering from an injury received in the course of his employment.

I urge the Government to give favourable consideration to the amendments which some Opposition members will move this evening if the Bill goes into Committee. They will be moved with the intention of trying to bring this legislation somewhere near the mark so that a worker will be adequately compensated and so that we in this House will not be continually nibbling away at the problem as we have done over the past five years. In other words, the amendments proposed in the Bill before the House represent only crumbs from the rich man's table; and what crumbs they are!

If members on the other side of the Chamber only knew the suffering some of these injured workers have to endure and the hardships their misfortunes bring to the members of their families, they would have a more human understanding when considering the compensation amounts

payable to such men. If a worker legitimately contracts a disease or suffers an injury in industry he should be adequately compensated. I know of men in the coalmining industry who have to wait months whilst some officer who is handling their claims is fiddling around deciding whether those claims shall be granted. That should not be. If a man reports an injury—that is, if his injury is not too serious to enable him to do so—he should be awarded compensation immediately.

I do not know whether the doctors make a good thing out of workers' compensation cases, but judging from the accounts rendered by medical practitioners to injured workers who are on compensation they are certainly being well rewarded for the services they are rendering. Some of these injured workers are up and down to Perth continually, because they have to consult specialists in Perth. In such cases, how long would the allowance granted for hospital and medical expenses last? After this amount has been expended an injured worker has to pay his own hospital and medical expenses, and this is entirely unfair. I am one of those who will always expound the theory that a worker who is injured during the course of his employment should be adequately and completely compensated. He should receive the same amount in compensation as he would if he were still working.

I support the second reading of the Bill but I will probably have a great deal more to say when the Bill goes into Committee and we move the amendments that we propose. When that stage is reached we will be very interested to see how the Government reacts to those amendments.

MR. WILD (Dale—Minister for Labour) [11.3 p.m.]: I thank honourable members opposite for all the crocodile tears they have shed, and we will look forward to the amendments they propose to move in the Committee stage.

Mr. H. May: That is right; pile it on!

Mr. WILD: I consider that if the honourable member on the other side of the House who led the debate on this Bill really wanted to express his views he would have said, "This is a jolly good Bill even though we have waited a considerable while for it". But although he offered approbation for the Bill he had to say something in justification of the amendments proposed by members of the Opposition, because he considered that the Bill gave the workers only half of what they were entitled to. However, we will deal with those amendments in Committee.

One of the points raised by the honourable member for Mt. Hawthorn was that the Commonwealth intended to increase the amount payable to the dependants of a deceased worker to bring it into line with that payable under the New South

Wales legislation. At a later stage in the debate we will see what other States are paying in compensation payments. As I indicated in my second reading speech, the amounts are all over the place. In some States the amount that is payable is higher than that proposed in the Bill and in others it is lower. What we are offering to the House by the medium of this Bill is above the average for the Australian States, and I do not know that we can do more than that.

In regard to the premiums that are paid, the honourable member for Murchison, quite rightly, drew attention to the fact that premiums in the goldmining industry are increasing. The honourable member for Mt. Hawthorn quoted from pamphlets dealing with various industries in which he said there were reductions. All I can say is that I can assure the honourable member that the manager of the State Government Insurance Office has told me the office has lost £190,000 this year as a result of paying workers' compensation to workers engaged in the mining industry, and it is obvious that an approach will have to be made to Premium Rates Committee requesting higher premiums. Who will bear that additional expense? Those engaged in the goldmining industry will have to bear it, of course.

Mr. H. May: The mining companies have had the benefit of loaded premiums over the years.

Mr. WILD: Objection to the repeal of section 10A was raised. I will have a look at the suggestion, but I can show to the honourable member for Boulder-Eyre that this amendment was incorporated in the Bill on the strong recommendation of the Workers' Compensation Board and the manager of the State Insurance Office because it was considered that this section was superfluous. Nevertheless, when I am able to peruse a copy of the honourable member's speech I will have a further look at the suggestion he has made and discuss it with my officers. But that was the advice I was given, and naturally the suggestions that were made by the officers concerned were handled by the Parliamentary Draftsman.

I do not think there is any need for a layman to be on the medical board. If any member cares to study the report of the Pneumoconiosis Committee he will note that the committee indicated quite emphatically that there should be a medical board. However, it did not say it was a board on which there should be represented so many people. It instanced the three types of medical practitioner that should be appointed. I do not think any layman should be appointed to the board.

Mr. Moir: I did not say a layman should be on the board.

Mr. WILD: I understood the honourable member made that suggestion.

Mr. Moir: No. What I said was that the workers should be allowed to nominate a medical man as a member of the board.

Mr. WILD: I apologise to the honourable member. In conclusion, all I can say is that I thank honourable members for their contribution to the debate. Without a doubt this is a Committee Bill, and many amendments have been placed on the notice paper by the member for Mt. Hawthorn pertaining to the general provisions, and the honourable member for Boulder-Eyre has given notice of amendments relating to the conditions of the goldmining industry. As I have indicated, we will consider them when the Bill goes into Committee.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Labour) in charge of the Bill.

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. Wild (Minister for Labour).

APPOINTMENT OF A PARLIAMENTARY COMMISSIONER

Introduction of Legislation—Motion: Defeated

Debate resumed, from the 2nd September, on the following motion by Mr. Tonkin (Deputy Leader of the Opposition):—

In the opinion of this House the need and desirability of appointing a Parliamentary Commissioner (Ombudsman) are abundantly clear and the House requests the Government to introduce the necessary legislation forthwith to establish the office in Western Australia.

MR. COURT (Nedlands—Minister for Industrial Development) [11.9 p.m.]: This motion, moved by the Deputy Leader of the Opposition, is on all fours with the one he moved last session calling for the appointment of an ombudsman in this State. On that occasion I expressed the views of the Government on the proposal, because we did not think it was opportune or necessary for an ombudsman to be appointed in this State. In the interim there has been no reason why the Government should change its mind. I have endeavoured to do some additional reading to what I did last year to see whether there has been any wider world experience which could indicate a need for a change in Western Australia or, for that matter, in Australia generally.

I can find nothing which leads me to believe, and certainly nothing to induce the Government to believe, that we should

change our attitude. This question of an ombudsman is to a certain extent something of a fashion. I must agree that there is reference to it in more places than ever before, because it is receiving a lot of publicity; and I think it has been put forward by many people in a number of countries and in several States of Australia, as something of a cure-all.

I submit it is part of an inevitable and restless search that goes on in countries such as ours for some way to improve what we regard in broad terms as our democratic system. However, I would like to remind honourable members of the origin of the ombudsman. There is a suggestion it was a safeguard for the rank and file. If we go back to the country where it had its historic origin we find that the original ombudsman, as I explained to the Assembly last year, was not appointed for the purpose of protecting the rank and file of the people, but rather from the point of view of protecting the noblemen of the country; because if we go back into the time when Gustavus Adolphus IV in 1796 took over the Government of Sweden himself we will find that his record was not a very good one. There was some doubt about his sanity, and there was a general state of tyranny in the country, and eventually the Parliament met and devised a system which was intended to give some protection to the rich rather than to the poor of the country; to give protection against their emperor rather than against the Government of the day, because for all practical purposes he was the Government.

Mr. Rowberry: And the same argument applies to the institution of Parliament.

Mr. COURT: Whilst it has been claimed that this system has prevailed in Sweden for many years we must follow this through to find that there was a great lapse of time before the neighbouring countries who could see this system at work saw fit to adopt it in one form or another. It might be argued that because it has prevailed in Sweden for so long this is testimony to the merit of the scheme. I submit this is not necessarily so, because once these institutions are established it is hard to break them down. They become a vested interest on the part of the people who operate the system.

If our system in Western Australia needs an ombudsman then in my opinion a lot of people are failing in their responsibility and their duty. If we examine the situation in Western Australia we will find we have our fair share of well-established democratic institutions. We have members of Parliament in a greater ratio than most other countries in the world; particularly when we think of 80 State members of Parliament in a community of only 800,000 people.

Even allowing for the problems of distance there is still a very strong representation when measured against the total population, particularly when we have regard for the degree of representation that there is in some other States and countries. These members of Parliament, by virtue of the fact that they are in a fairly high ratio to the population, naturally have a closer contact with their constituents than is the case in other parts of the world.

For instance, I understand that in some constituencies of Great Britain it is quite unusual for the electors to know their member, because of the fact that he represents such a large number of constituents.

Mr. Rowberry: What is the ratio in Sweden?

Mr. COURT: Whereas in Western Australia the ratio is very high, and we have had regard for the fact that where there is a distance factor involved such as in the rural areas we require a member to represent fewer constituents; and when we consider the extreme north we actually take this even further and reduce the number of constituents represented by each member.

But this is not the end of the facilities available to a constituent, or to a member of the public, who feels aggrieved with some issue; because on top of this we have a virile Press; we have the radio; we have TV; and all these media are active in seeking out news. One does not need to have much influence to get one's message across if one has a grievance. Indeed, it is easier to get one's message across if one has a grievance than if one has something good to say.

Mr. W. Hegney: Then you must have a lot of grievances.

Mr. COURT: This Press is not confined only to the daily Press in the city; there is also a virile country Press that operates throughout the length and breadth of the State. Likewise there is a regional radio system that operates. Apart from this there is the system of local government which is spread from one end of the State to the other. Again it is a very intimate form of government as we understand it in this State. There we have another medium of expression through which the general public or the local government can express its dissatisfaction of the government of the day, assuming, of course, that the grievance of the general public would be mainly against the government of the day.

I want to come back again to the question of our members of Parliament. Having touched briefly on the relationship of members to their constituents, I want to refer to the machinery that is available to our members of Parliament in this State for airing any grievances. We have the traditional method of questions with

or without notice; we have another traditional method in this State of motions; we have private members' day—which must be almost unique in British Parliaments—where there is absolute precedence given to private members' business; where it is given a reasonable hearing—and in my experience in this place, regardless of which government has been in power a generous part of each session has been made available to private members on both sides of the House to bring forward their grievances either by questions or in the form of motions, in the most public of places.

Mr. D. G. May: That is the only way to get an answer.

Mr. COURT: The honourable member is making my point for me. That is how we are able to make things public and get an answer.

Mr. D. G. May: You cannot get a reply by correspondence so you have to ask questions.

Mr. COURT: The honourable member is still making my point as to the number of media to get our grievances aired. I certainly have not seen any reluctance on the part of members to take advantage of these various media to air their grievances. Apart from all that we have the Address-in-Reply which is available to members to talk about anything from a pin to an elephant. Then again we have the discussion of the Estimates which is virtually open season for anything a member wishes to bring forward. He says what he wants with complete privilege and protection.

Mr. Heal: Where does it go from there?

Mr. COURT: Surely if honourable members feel they get no response over here it is their responsibility and obligation to follow the matter up themselves. Most of the matters expressed in this Chamber are in fact followed up by the departments. I know that members on both the Government and Opposition sides of the Chamber in my own particular case often come to me and want to know what has been done about a particular matter that might have been raised during the Address-in-Reply debate or the debate on the Estimates.

I refer briefly to the New Zealand system which has been instanced here as some evidence of the fact that that system is a desirable one for our State. I do not know whether honourable members have read the report of the New Zealand Ombudsman of the 31st March, 1963, and the later one of the 31st March, 1964. The first is for a period of six months, and the second for 12 months.

I must admit that when I read the second report I was very disappointed at the calibre of the whole set-up, and the calibre of the cases that had been dealt with. If we need an ombudsman to deal with the cases which are listed in the second

report then there is something wrong with us all, because when we look at the list of cases we find it contains the type of complaint which every member of Parliament receives day in and day out. I suggest that in Western Australia, in 99 per cent. of the cases, the people concerned get some form of satisfaction, or else they would not let up.

If we were to persist and appoint such a person in Western Australia, presumably when a member asked a question after the appointment was made, the Minister concerned would say that the matter had been referred to the ombudsman. Just imagine 39 questions, or whatever number are asked in one day, and the reply to 24 of them was that the matters were in the hands of the ombudsman! I should imagine most honourable members would want to get rid of the ombudsman, because they would completely lose contact with their electors and they would regard their duties, as members of Parliament, as having been usurped.

I cannot see any alternative. As a matter of fact I would be rather amused if one of these gentlemen were appointed in Western Australia and the Deputy Leader of the Opposition was a senior Minister of the Government, and the ombudsman started to work on some of the departments under his control. In that event there would be some very interesting discussion between the Minister and the ombudsman.

I would like to refer to some of the cases that are covered by the report of the New Zealand Ombudsman; and in considering the New Zealand system we should not overlook the fact that that is a federal Government, or a complete Government of that nation. It is not like the system in Australia where there are the Commonwealth and the State systems. Therefore the matters that are referred to the Ombudsman in New Zealand cover a very wide range, just as we would get if we had a combination of both Federal and State Governments.

These are some of the cases which I have selected at random: Relating to the Department of Air, the first is restrictions resulting in loss of business; another is the non-payment of travelling expenses; and others are conditions governing airworthiness, payment for operative treatment of work injury, and non-payment of removal expenses. Then there is one under the Army Department, No. 697, obscure; and No. 1074, reduction in salary.

Under the Customs Department there is a whole list of cases; and if we were to study them we would find that they do not represent matters of great significance. They are the sort of complaints which the average member of Parliament—both State and Federal—is able to deal with in the ordinary course of his parliamentary duties. If there is a matter of principle

involved he will air it in Parliament; if not, he either gets a solution to the satisfaction of his constituent, or he presses the matter with the Minister or the head of the department concerned to a point at which he feels everything reasonable and practicable has been done.

We find in that report under the Department of Agriculture report No. 36—misleading report on new plum species; No. 150, ban on importation of cage birds; and No. 242, inadequate testing of milk. These are matters which we expect the average citizen to take up with his local member of Parliament. Some of them might be important to him, while others might be purely the result of some disagreement or some conflict in personality which has developed between the constituent and a particular department.

Under the Department of Education we find complaint No. 5, payment of employment bond; No. 13, award of medical bursary; No. 47, misrepresentation of employment conditions in New Zealand. All these matters are routine things which we know so well in our experience with the Education Department in this State. Some of the complaints have little substance, and some have none at all, but we usually manage to work them out.

Under the Department of Health is No. 29, inadequate advice to patients on effects of operative treatment. We all have had two or three of such cases in our electorates; and if we have not we are lucky. Surely we should not appoint an ombudsman to deal with such cases, irksome though they be, when people make complaints against their local doctor for allegedly taking out a gall bladder when they thought they were having their tonsils removed.

In the list appears No. 80, wrongful committal to mental institution. This is not an unusual complaint which is referred to members of Parliament, but I do not know that we have experienced any great crisis through not being able to deal with such cases. I find some interesting cases under the Department of Internal Affairs. There is complaint No. 103, payment on lost lottery ticket; No. 105, reward for inventing off-course betting; No. 379, contravention of Rating Act; No. 435, payment on lost lottery ticket; and No. 570, payment on lost lottery ticket.

I have read out enough to demonstrate that these cases dealt with by the New Zealand Ombudsman are not monumental. I submit with due respect that he is something of a very convenient wailing wall. I suggest Ministers would be very happy to refer to him complaints received from time to time which are almost impossible of solution on an administrative level, because many of the people concerned will not listen to logical explanations. It would be very convenient if those matters could be passed on to the ombudsman; but I do

suggest that after a very large percentage of such complaints, which include imaginary grievances, had been passed on to the ombudsman once or twice, they would want another ombudsman to be appointed to "ombuds" him. It comes back to the well-known song, "Who takes care of the caretaker's daughter while the caretaker is busy taking care?"

Mr. Graham: You are not even funny.

Mr. COURT: I do not intend to be. I am trying to demonstrate that whilst the appointment of an ombudsman might appear to be a palliative to the complaints of the people, in the final analysis it will not achieve this result at all. We are much better off working under the system which we know, and which I consider to be adequate for the system of democracy under which we work.

I have yet to be convinced that citizens of this State have not got an adequate system through which they can air their grievances and seek redress. I would suggest that if we are not able to deal with the grievances of the average citizen under the very elaborate system we have at present, with the combination of Parliament, radio, Press, television, and a host of organisations concerned with matters of public interest, then an ombudsman superimposed on all those channels of redress will achieve no better result. I oppose the motion.

MR. FLETCHER (Fremantle) [11.30 p.m.]: I heard only part of the Minister's speech—

Mr. Hawke: You were lucky.

Mr. FLETCHER: —but I gather he opposed the motion. He treated the whole situation with levity. As a matter of fact, he tried to discredit a worth-while motion submitted by the Deputy Leader of the Opposition. For the benefit of the House I will read the motion—

In the opinion of this House the need and desirability of appointing a Parliamentary Commissioner (Ombudsman) are abundantly clear and the House requests the Government to introduce the necessary legislation forthwith to establish the office in Western Australia.

I believe the intention of this motion is very desirable and I wish to submit some argument in support.

The Minister stated that we have opportunities, during the Address-in-Reply and during the Estimates, to obtain redress for people; and that we also have the right to ask questions. Admittedly we have; but do we obtain redress through this medium? The Minister knows very well that we do not.

I will quote a case; and I regret that I have not the correspondence to support it. Unfortunately, I tore it up after

unsuccessful attempts to obtain assistance for the person concerned—a lady pensioner who had her foot run over by a train within my electorate. She is now lame because it was necessary for her to have her foot amputated across the instep. She also suffered other injuries as a consequence of, as I have said, being knocked down by a train in Marine Terrace, Fremantle. I am sure that had this case been taken to court—unfortunately this lady did not have the necessary finance—she would have won it.

To offset the argument of the Minister that we have redress, I would point out that I wrote to the Secretary for Railways asking that an *ex gratia* payment be made to this lady for the disability caused to her. An ombudsman could adjudicate in a case like this. Other honourable members must surely be able to quote similar examples. This lady had to enter hospital for some months; and in the latter years of her life she is paying rent for inadequate accommodation.

First of all I wrote to the Secretary for Railways, who said that the lady was trespassing. I then wrote to the State Government Insurance Office and asked if that office underwrote insurance for the railways. As a result of that approach I was also told that the lady was trespassing. I then wrote a letter outlining the fact that the lady could not do other than trespass; and neither could anybody else who crossed the railway line in the same area. Had that railway line been fenced that lady would not have had any right in that area.

I ask the honourable members in this House to look at that situation. The line crosses Marine Terrace and runs right on to the fence line of houses and factories that are in that area of South Fremantle. The lady coming out of this particular street had to cross the railway line, and she could not do so in any other way unless she did so by medium of a helicopter. Nor could any other citizen within my electorate. Yet the Minister's department said that the lady was trespassing. The Minister's adjacent colleague used the word "effrontery" in connection with some move I made recently in this House, but I consider it was effrontery on the part of the Minister's department to tell me that lady was trespassing.

Before the Minister interjects, I want to say there should be some arbiter in a case like this; and not one who would try to deprive that lady of her legal entitlement with a lot of legal clap-trap. There should be some adjudicator.

Mr. Court: The ombudsman could not refer to the case you mentioned, because he would set himself over Parliament.

Mr. FLETCHER: Do not try to contradict my argument with such a puerile statement! He can do it in other countries and he could do it here.

Mr. Court: No he couldn't!

Mr. FLETCHER: The necessary legislation could be brought down in a form to take care of the contingency mentioned by the Minister. The word used by the Minister for Works was "presumption" when he accused me of presuming to introduce a motion in regard to local government. I think it is presumption on the part of the Government to attribute improper motives to our side of the House when we attempt to bring down worthwhile legislation on behalf of the people of Western Australia.

I am not offering any criticism of our State civil servants. As a matter of fact, I have found them to be marvellously co-operative in all departments. They are of particular assistance not only to myself, but to other honourable members in this House in regard to housing, immigration, and so on. We receive absolute and willing co-operation, but frequently civil servants are confronted with a legal situation, and they have to act in strict accordance with the legal—as distinct from the moral—situation.

I know there are plenty of civil servants who are concerned because of the fact that they have to administer strictly to the law or regulation; and I am sure many of them would be happy to pass a difficult situation—such as the one I have mentioned to the House—on to an ombudsman to assist. As a matter of fact, I spoke to the Secretary for Railways over the phone, and I could tell from his manner that he was concerned, and that he felt I had submitted a good case on the part of this constituent of mine. However, he very much regretted that an *ex gratia* payment could not be made because it would create a precedent.

As I have said, many civil servants would like to assist, but they cannot do so because they do not wish to create a precedent. I do not know if the honourable member for Melville quoted from *Outlook*, which is a splendid Labor paper, and one which I recommend to honourable members in this House. The issue I have is dated the 4th August, 1964 and it contains an article on the ombudsman. I suggest to honourable members that they go to the library downstairs and read this paper as they will be better informed as a consequence. I wish they had done that previous to this debate coming forward as then they may have supported the motion moved by the Deputy Leader of the Opposition. I will read the article in part; and one paragraph states—

More and more people are becoming dissatisfied with the traditional democratic method of control, political and legal, over exercise of State power. Parliaments and politicians are often helpless in the face of government by regulation and the growing complexity

of the administrative jungle. British systems of law are ill-adapted to dealing with governmental problems—

I have just given an example of one such problem to the House—

recourse to courts of law or tribunals by individuals complaining about official decisions is slow, tricky, expensive and uncertain—in many cases there is no such recourse at all. What, then, can be done?

On that note I would suggest the appointment of an ombudsman to resolve the issues set out in that paragraph. I quote again in part as follows:—

Parliaments and politicians are often helpless in the face of government by regulation . . .

This particular politician has been confronted with the case just outlined. Whilst I did receive a sympathetic hearing from the public servants I approached, I did not gain satisfaction on behalf of the person I attempted to help. That person could have received satisfaction from the assistance of an ombudsman. Another paragraph states—

This is the problem to which Professor Sawyer addresses himself in this useful booklet. It is a well-written piece of work and the facts are stated succinctly, with special reference to Australia.

Of which, of course, Western Australia is a part and, as a consequence, we should have the services of an ombudsman. A further quotation is as follows:—

In the author's opinion, there is every reason for demanding thoroughgoing reform of Australian administrative law. He would like to see the establishment of an institution akin to the French Council of State, i.e. a body composed of talented and high-principled public servants who, *inter alia*, investigate and remedy at virtually no cost to the complainant any grievance against government.

As we cannot achieve such a desirable objective in Western Australia, the suggestion contained in this motion is a desirable alternative and should be treated with respect and not the levity with which the Minister for Industrial Development treated it. I support the motion and hope all honourable members will do likewise.

Mr. Court: I did not treat it with levity.

MR. JAMIESON (Beeloo) [11.43 p.m.]: I think this motion should be supported and I feel that even though it is not successful at this juncture, it will not be many years before the necessity for an ombudsman manifests itself to such a great extent that one will be appointed.

The Minister made mention of many pettifogging investigations which occur. He was no doubt dealing with the New Zealand Ombudsman. I take it that he

was quoting from his report. That may be so, and there could be such cases which would occur from time to time. Such matters are now referred to members of various Parliaments. By the same token, it is advisable that there be an opportunity for a person to submit his case, no matter how frivolous it might appear to be to outsiders. After all, these people with the complaints are the citizens of the country who appoint the governments of the day and they are entitled to have their say without being put to a lot of expense at civil law.

The Minister suggested that members of Parliament could attend to all these matters; but there are a dozen and one matters which cannot be fixed up in this way. I know the problems facing many people in the suburbs around Perth, particularly in the Carlisle area, where considerable trouble has occurred which requires investigation by an ombudsman in order that he might make a recommendation which will solve the problems existing in regard to spot factories, where the equity of a person is interfered with due to the set-up of the various industries.

An ombudsman, responsible only to Parliament, would have similar powers to those conferred on the Auditor-General. He submits an annual report to Parliament and thus complies with the provisions of the Acts of Parliament. He would also have the right to recommend as to whether a certain Act is being interpreted to the detriment of individuals in the community. He would be very quick to tell Parliament just that. To that end we would be well advised to agree to the appointment of a competent person to inquire into these problems.

The Minister's speech was similar to the one he made in connection with a like motion moved in a previous session. It seems that most people in this world are gaining a greater appreciation of the necessity for the appointment of an ombudsman. Even at the recent legal convention in this State, whilst those participating were not prepared to give lip service to an ombudsman, the theme of one of the principal papers was that some sort of adjudicator should be appointed to assist when the law runs against the individual. It is very wrong, ethically, even if not legally, that a person should be forced to take civil action in an endeavour to prove that the law is doing him an injustice. Therefore someone must be appointed to assist in the problems which arise in a community in connection with resumptions or easements or any one of a dozen and one other problems which crop up every day.

The honourable member concerned was not able to solve the problem in connection with the easement for State electricity mains around Chidlow; and neither was the department able to solve the problem. As a matter of fact that has been a very

sore point with some people for a considerable time, and I do not blame them for not taking recourse to law. They would be up for considerable expense, and even though they might be proved wrong, they are entitled to be heard if they have a grievance.

We know that the autocratic powers that be in various departments become completely in control, and nothing else in the community seems to matter. If it is desired to put a road through in a certain spot, it will go through, come hell or high water. No thought is given to how many people will be affected or whether such road could have been conveniently placed elsewhere. The road is put through in the original place because the particular department seems to think it has to go through there.

This applies also in connection with easements for water mains, drainage, electricity, and many other matters which we are regularly coming up against in the community. I do not say for a moment that all the things the ombudsman would handle would be important. I would be inclined to think that for every one problem which was worth tackling, the ombudsman would deal with a dozen front-counter jobs which could be easily explained and overcome.

To whom does the average person turn now? He goes to his local member of Parliament; and if he cannot obtain satisfaction from that quarter, where else can he go? If the member of Parliament tackled is a member of the Government, such honourable member would be inclined to be sympathetic. On the other hand, if the honourable member is a member of the Opposition, he is inclined to attack the action of the Government if he feels that the case put forward by the complainant is just. However, that does not make the Minister bend in any way or give in. As a matter of fact the Government digs its heels in whether the case be just or not.

So we are getting absolutely nowhere in regard to the rights of the individual in the community. As I have said before, sooner or later the day will come when an ombudsman will be appointed. Whether we delay it this year, or delay it until next year or later, I feel sure that when he is appointed he will provide a good service for the community; for those people who would otherwise be forced to refer their cases to law. If they could not afford to go to law they would not get the satisfaction they needed and they would feel very much disgruntled. I support the motion.

MR. TOMS (Bayswater) [11.51 p.m.]: I too support the motion moved by the Deputy Leader of the Opposition. It has been said with a great deal of justification that Labor formulates policy and that the

Liberal Party, in five or six years hence, carries it out. I think this is going to be just another one of those cases.

Any member of this House who took the trouble of listening to the Deputy Leader of the Opposition when presenting his case for an ombudsman in this State must have been justified in thinking that he had a very good case to present. The fact that the Government has a majority of one makes its opposition complete, but it still does not justify its opposition to this very good case for the appointment of an ombudsman.

I believe that as we go on from year to year, being governed more and more by regulations than by Acts of Parliament, the necessity will become increasingly apparent for the appointment of an ombudsman. Indeed I remember, when first coming into this Chamber, the warnings given then by an ex-Speaker of this House, the late honourable Mr. Joe Sleeman, of how we were being over-regulated.

Mr. Brand: He is not late.

Mr. TOMS: He was one of those far-seeing men who knew that regulations could become somewhat burdensome.

Mr. Jamieson: He is not late.

Mr. TOMS: The ex-honourable member, if that suits the Premier better.

Mr. Brand: It will suit Mr. Sleeman better.

Mr. TOMS: I hope he remains ex-honourable member for quite a long while to come.

We are becoming the servants, as it were, of boards and such like. I believe there are many injustices done by various government departments which could be overcome by such an appointment. I quoted only recently the case of a young Italian out my way. I had to fight over four years, and go through three different government departments, to get justice done. I believe that had we an ombudsman in this State when the case first came to my notice, we would have got something done then and we would not have had to wait all this time, ruining this man's family and the happiness of his children; because that is what has been done in this case.

So I trust it will not be blind prejudice which causes Government members to vote against the motion moved by the Deputy Leader of the Opposition. I trust that at least one or two Government members will see the light and will support this particular move.

MR. GUTHRIE (Subiaco) [11.55 p.m.]: I would agree with one statement made by the honourable member for Beeloo: that some day sooner or later we will see something done in regard to this subject; but

I have very grave doubts whether ultimately we will come down on the side of an ombudsman.

I think it is still to be established that an ombudsman is necessarily the answer to the problem. The first feature of an ombudsman, as he has been introduced in other parts of the world, is that he has no power to make a final decision. He has only power to draw attention to a matter and report to Parliament.

The second aspect, so far as the New Zealand Ombudsman is concerned—and this has been commented on adversely in other places, as being one of the weaknesses of the system—is that the ombudsman has no power to interfere with local government affairs; and it is with local government affairs that quite a lot of these problems arise.

It has been suggested tonight that a lot of the difficulties arise through government by regulation. An examination of our Statute book would find that aspect hardly supported. Most of the difficulties arise by Acts of Parliament which we in this Parliament pass, and which we have passed in recent years. One I would instance is the Metropolitan Region Town Planning Scheme Act which was passed by this Parliament and which provides that if anybody has an objection he can place his objection before the people who implemented the plan. We passed that Act. We cannot blame any government department. We cannot blame any regulation for that. In other words, we voted in this House for an appeal from Caesar to Caesar.

There is another instance. We passed, not so very long ago, the uniform Companies Act which has proved, in some ways, to contain very bad provisions so far as justice for the individual is concerned. They are provisions in Acts of Parliament, and no ombudsman would have the power to override an Act of Parliament. He may, of course, draw the attention of Parliament to the need for amending an Act, whatever it might be.

Last year, when I spoke on this subject, I made the comment that there were five alternatives open to any Government or to any Parliament. The first was to have an ombudsman; the second was to set up effective appeal tribunals and do as they have done in England, which is to have an overriding council to control the activities of those appeal tribunals.

They have learned, in England, that the establishment of such tribunals in itself leads to difficulties and trouble. They have had to accept the situation of having a council of tribunals to control the tribunals. Those are the difficulties we could get into. The third suggestion was that we should accept extension of the jurisdiction of courts of law. At this point of time the courts are very limited in being able to intervene in matters of administration; and as has been indicated by some

very distinguished judges, not the least of them being Lord Parker, Lord Chief Justice of the United Kingdom, there would need to be set up, if such extension were brought into being, a system of administration law which does not exist at the moment for the guidance of the courts.

The fourth suggestion was to leave it to Parliament; and the fifth suggestion was to have a combination of some or all of those various suggestions. To my mind, until a complete and thorough investigation is made of, firstly, the evils that arise; and, secondly, the possible alternatives, one could not say one way or the other whether or not an ombudsman would be the answer; and to be asked to vote in favour of such an appointment, not knowing what the alternatives would be, to my mind would be to put the cart before the horse.

In my opinion, no ombudsman could solve the problems which arise to a large extent in town planning. We would want some effective tribunal which had authority to set aside decisions; but, by the same token, I appreciate that this would bring in its train certain difficulties, because we could not offer to tribunals the executive powers of government, which, in itself, would be wrong. It is the duty of a government to govern.

Let us take the issue of major roads that are to be built. If some person is aggrieved because a road is to be built across his property, is it right that a tribunal should have the authority to say to the Government of the day, "You shan't put a road there but you must put it somewhere else", irrespective of whether it is sound from an engineering point of view or from the point of view of the traffic authorities but just because the person concerned is affected by the resumption of his land?

That is the sort of difficulty that arises, and which makes this subject a somewhat involved one. I cannot see that we have anywhere near sufficient information on the matter and, at this stage in our development, I think some committee should be set up to make an investigation of the various alternatives and prepare a report before we decide on what is to be done. What has been done in New Zealand is not necessarily the best course for Western Australia. Last session I did touch on the difficulties involved in finding a suitable individual to be an ombudsman. That in itself presents a problem, but I do not propose to develop that point any further tonight.

However, I do suggest to Parliament that Parliament itself, as has been suggested in the paper to which the honourable member for Beeloo referred earlier, and which was presented to the last legal convention, should take a much closer look at itself. If one studies the paper to which I have just referred, one will see

that the speaker—and I do not necessarily agree with him—rather strongly criticised Parliament and he rather objected to the ombudsman inasmuch as he said legislation is passed without a great deal of thought as to the rights of the individual, and, if we thought more of the rights of the individual when the legislation was passed, we would get over a lot of the major grievances.

Minor grievances will always arise—and in that regard I refer to the type of thing the Minister mentioned and which appeared in the New Zealand Ombudsman's report. They will always be with us as members of Parliament. If an ombudsman were appointed, honourable members might pass that sort of query on to him, but I suggest they leave that thought aside for the moment. The freedom of the individual is the real issue; and although some people who support the appointment of an ombudsman believe it will solve all the problems, at this point of time I am far from convinced that it will. Therefore I oppose the motion.

MR. DAVIES (Victoria Park) [12.3 a.m.]: Like the honourable members for Beeloo and Subiaco, I believe the time will come when we will have a parliamentary commissioner, whether he is called an ombudsman or not. A parliamentary commissioner will be appointed to deal with many of the queries and problems that now come to us because, as members of Parliament, we all know that with certain problems we reach a stage where we find we are completely blocked and can go no further. The honourable member for Subiaco said that he believes it will be some considerable time before such a person will be appointed.

Mr. Guthrie: I did not necessarily say he would be an ombudsman.

Mr. DAVIES: No; I was going on to say that the honourable member raised doubts as to the best method to adopt to deal with the problem. He had four or five alternatives all of which could have a great deal of merit. However, I would point out that the ombudsman has not been clearly defined and, of course, it would be the duty of the Government clearly to define such a person and to set out his powers.

There has been a growing feeling throughout the world—at least throughout the western world—in favour of the appointment of such a person because of the growing concern at the executive power of governments. This matter has been fairly fully covered in newspapers of recent days and concern has been expressed at the power of the executive, in regard to both the Federal and State Governments. I do not think I need dwell on that subject other than to say it is a growing concern; but what can be done about it is another matter.

There has been much greater support in the last several years for the appointment of a parliamentary commissioner, and I think the Government will find its own party in Victoria supports such a move, although the Government there will not take any action in regard to the matter. However, Mr. Duggan from Queensland, Mr. Stoneham in Victoria, and our own party in this State have all been pressing for the appointment of such a person. But the most recent move, and possibly the most successful, to seek the appointment of an ombudsman was made in England where the British Labor Government, under Mr. Harold Wilson, made an election promise to the people of Britain that such an appointment would be made.

If I may be permitted, I would like to quote one or two extracts from a newspaper article which sets out Mr. Wilson's comments on this matter. Mr. Wilson said—

For some months, we have been working on proposals to ensure the right of an independent investigation in all cases of suspected injustice.

Here, if there is suspected injustice—it does not matter in what form—there is no method by which one can appeal against it, or have it investigated, and I think there should be some authority to which one can go. I think it has been clearly demonstrated by other speakers, and it is well-known to honourable members generally, that although we know there is injustice abundant at times, we are not able to proceed beyond a certain point. I think the first essential is that in all cases of suspected injustices there should be an independent investigation. Mr. Wilson continues—

We propose, therefore, that a parliamentary commissioner be appointed to investigate, on behalf of the public, administrative decisions which can affect the rights and welfare of individuals.

That gets back to the point other speakers have made regarding administrative decisions made by government departments and, of course, it refers to the power of the executive. Mr. Wilson continues—

What we propose—

and this no doubt the British Government will now do—

—is that the commissioner be appointed by letters patent, wholly independent of the Government and administrative machine, and responsible only to Parliament. It would be his duty to investigate complaints and to report both on:

Individual cases where an injustice may appear to have been involved, or

Defects in the system which have the effect of creating injustice or of failing to provide adequate rights of reconsideration or appeal.

I think those are important matters which, once again, have been mentioned by other speakers; and this article sets out fairly clearly the two fields in which a parliamentary commissioner would operate initially. In addition, such a person would of course be responsible only to Parliament, and the British Labor Party proposes there should be a high-powered Select Committee appointed which would make it its business to go through the periodic reports of the commissioner and report to Parliament on them.

The committee would also be free to initiate inquiries which had not been the subject of a report by the commissioner. I do not think this would be cumbersome. A small committee like that would be very effective and, with the appointment of a parliamentary commissioner, would be able to do a lot of good. Obviously it would be necessary to prevent the commissioner and the Select Committee from being swamped by too many cases. The Minister, when quoting from the report of the New Zealand Ombudsman, mentioned several cases which I am sure were all of a petty nature. I did not hear him quote any cases that had been successfully dealt with by the ombudsman although, no doubt, there were a number of them. Even if there were only one case a year whereby some injustice could be righted, surely to goodness the appointment of such a person would have been justified!

The honourable member for Subiaco said that a parliamentary commissioner would have no power over local government. This would depend, of course, on the terms of his appointment. In Great Britain it is proposed that he shall deal with government administration only, but later there is a possibility that his powers could be extended into the field of local government; or, alternatively, a separate commissioner could be appointed to deal with local government; or, as a further alternative, local government could appoint its own ombudsman.

Many of the cases quoted by the honourable member for Subiaco could be effectively dealt with by such a person. There was also a suggestion among the promises made by the British Labor Party during the election that, possibly, the right to approach the ombudsman should be through the local member of Parliament. I am sure none of us want the appointment of such a person in order that we may shed some of our responsibilities. I suppose we perform much of the work that we do because we are anxious to please the electors and win a

few votes. But nevertheless there is a stage that we reach when we can go no further and a person with wider powers than a member of Parliament has to be called upon.

The election promise made by the British Labor Party is, I think, summarised in a few words at the conclusion of this article, which reads—

The complexity of legislation and administrative procedures over the past half century is such that it is urgent now to provide safeguards. This is what we are trying to do now by seeking the appointment of an ombudsman, as is proposed in the motion. We believe the appointment should be made as quickly as possible, but I for one would not want such appointment made without due consideration being given to all the factors which have been raised by the honourable member for Subiaco as doubts on the effectiveness of such a person. All of his points can be investigated, and all the points raised on this side of the House can be investigated, but I think it is at this time that the House should indicate that we believe the appointment of a parliamentary commissioner is necessary, and then get to work immediately on the details.

It has been forecast that we will have the appointment of such a person before long. I join in that forecast and hope it will not be many years before it comes about.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [12.13 a.m.]: With your permission, Mr. Speaker, I desire to express my appreciation to the Premier for honouring his word and raising this order of the day sufficiently high on the notice paper to permit of its being debated this evening. I also express thanks to those honourable members who were sufficiently interested in the proposition to express a point of view. Whether their points of view agreed with mine or not is beside the question; I felt they had something to say and were prepared to say it.

I do not do the Minister for Industrial Development any injustice when I say that, in my opinion, I have seldom heard him to less advantage. His opposition to this motion was pitifully weak, and I shall endeavour to prove it was so in a very short time. To say that the examples which he read out from the report were in any way indicative of the nature of the work carried out by the Ombudsman in New Zealand was grossly to misrepresent the position. As a matter of fact, the Ombudsman in New Zealand reported that in a number of these cases he had to exert considerable pressure before they were redressed.

In some cases it was sufficient for him to make an approach to the departments concerned and the matters were remedied, but in other cases he had to exert considerable pressure to effect the remedy.

The assumption is that if there had been no ombudsman to exert pressure those cases which were redressed by him would not have been redressed and the unfortunate individuals concerned would have had to put up with it. Surely it is worth something to have an institution which will ensure that injustices which have been inflicted and are being suffered may be remedied! It is, of course, just too absurd to say that the existing procedures are adequate; that members of Parliament can ask questions. Of course they can, and then they run the risk of criticism from the leading newspaper for doing so.

Mr. Hawke: A good point!

Mr. TONKIN: There is an example which was brought about in answer to questions put today which showed that this Government brought legislation to the Parliament and told the Parliament it was intended to effect certain things. The Minister gave assurances that the Government would not do other things, and then, when the law was put into practice, the administrators committed the very things which the Minister assured the Parliament would be illegal; and when the Government is asked why it did not take steps to amend the law to effect its original intention its answer was that it was considered unnecessary to do so.

So the Government can misrepresent a position; have a law passed as a result of the misrepresentation, then continue to take advantage of the fact that Parliament is being deluded and give the answer that, in its opinion, it was unnecessary to do anything about it. Then it has the effrontery to come here and say the existing procedures are adequate to allow wrongs to be redressed.

Compared with some people who are advocating the appointment of an ombudsman, we are very small fry; but it is significant that, in New Zealand, where an ombudsman has been operating for more than a year, both parties at the last election saw fit to go on the hustings and state it was their intention not only to retain the ombudsman, but also to clothe him with greater power. That does not suggest that he is dealing with trivialities and that he is unnecessary.

I have here a cutting from *The Sydney Morning Herald*, dated the 29th June of this year; and although the Minister for Industrial Development said there was no wide advocacy for the appointment of an ombudsman, the heading over this article—which is a London letter published in *The Sydney Morning Herald*—reads—

Wide Support In Britain For An Ombudsman

I propose to quote from this article, which reads as follows:—

There used to be such a special proud ring about the term "British justice." Belief and trust in it was an

article of faith, but faith is now so wilting and such is the alarm about abuses that authoritative new calls for the appointment of a British Ombudsman are attracting wide support.

The British section of the International Commission of Jurists has in the past joined in condemnation of law processes in Ghana, South Africa and other countries far afield. But it has recently felt impelled to look at trends in its own homeland. It has done so in sorrow. There has been the Sheffield rhino-whip case, in which men under investigation were assaulted.

Now there has been the Challenor case. Three policemen in London, working under the supervision of Detective-sergeant Harry Challenor, have been sentenced to long terms of imprisonment for planting bricks on innocent people arrested during last year's Royal Greek visit. Challenor himself was recently found insane and unfit to plead. Questions are being asked how it was that Challenor's superiors were unaware of his condition. He is alleged to have camped out in Hyde Park while suffering from hallucinations due to harrowing war-time experiences.

In Birmingham there are allegations from prisoners now serving sentences that evidence was "planted" on them. An investigation is under way there.

It is not just one thing but one thing after another that has precipitated questions about British justice and the need for an Ombudsman into the centre of debate.

In most of these cases real justice was not done until there had been a long struggle against the injustice that had been done, with the Press in some cases having to battle for files to be reopened and investigations made.

Lord Shawcross one of the most distinguished of all lawyers, formerly Sir Hartley Shawcross, onetime Labour Attorney-General, but not these days likely to be accused of party bias, is the chairman of the British section of the jurists, who is leading the outspoken calls for action. Public confidence in the police, he says, is being destroyed, and the appointment of a parliamentary commissioner, or Ombudsman, would be the most beneficent of all reforms.

Significantly, Lord Shawcross says he believes that such a radical recommendation will be supported by a majority of the legal profession, which is, he states, "now enlightened as to the inadequacy of our existing system."

The Minister for Industrial Development and his colleagues are of the opinion that the existing system is adequate. The British jurists are of the opinion that it is not adequate at all; and that is our opinion. There are too many of these cases of injustices, or supposed injustice, which cannot satisfactorily be examined, because papers cannot be made available, and members of Parliament cannot make the progress in connection with a case that they would desire if departments make it difficult for any progress to be made.

One of the points made by the New Zealand Ombudsman is that his very existence was sufficient to prevent the occurrence of injustices, because the officials knew that such injustices were open to investigation. So it is not so much the redressing of grievances, but the prevention of injustices from occurring, because of the knowledge of the possibility and probability that if injustices are imposed investigations will ensue.

But this Government says the present processes are adequate; there is no need for an ombudsman; let us go along as we are; it is satisfactory; the cases are only trivial; we will always have those; they will always be with us. What a strange thing, if that is the position, that in New Zealand after one year's experience of it both parties in the Parliament should acknowledge the benefit and give their assurance to the electors that not only will they retain the office but that they will extend the power.

Does that suggest that the cases are trivial; that they should not be worried about; that existing processes are adequate? On the contrary it is evidence of the justification of the appointment that has been made. This is not the only State where this question has been raised. As my colleagues have pointed out there is agitation for an ombudsman in the other States of Australia; and I am as sure as I stand here that it will not be many years before an ombudsman is in operation in this State.

If Labor is returned at the next election then we pledge ourselves to make such an appointment, because we believe that where ombudsmen have already been appointed they have justified their appointment by rendering a real service to the people who have for some reason or another suffered an injustice which they should never have suffered. One point which struck me forcibly was that the Ombudsman in New Zealand had to admit that there were a number of cases in which it was too late to effect any remedy.

He admitted that an injustice had occurred, but when these injustices were brought to his notice, even though remedial action was essential, it was too late to effect a remedy. So the unfortunate individuals just had to put up with it. But

the chances are that had the Ombudsman been appointed earlier, even those very injustices to which he referred would not have occurred, because of the knowledge that the Ombudsman existed and was available to carry out an investigation.

I regard that as one of the more important aspects of this proposal—the fact that the ombudsman is there will act as a deterrent to those persons who are regardless of the rights of others, and who in some circumstances do not hesitate to take action which results in injustice.

An ombudsman in Western Australia would not be an expensive item. It has not been expensive in New Zealand. It is remarkable that the office has been run at such a comparatively trifling cost. The sum, even if it were doubled, would be money well spent, because it would be an example of what we in Parliament offer to the people by way of insurance that steps would be taken to reduce to an absolute minimum the possibility of injustice resulting from the action of government servants.

As for saying that an ombudsman should not be appointed because he cannot deal with injustice which might occur in local government, that argument was unworthy of the honourable member who uttered it, because he does know that it would only be necessary to extend, in the instrument which makes the appointment of the ombudsman, the terms to include the power to operate within the sphere of local government, as well as government, if it was thought desirable for that to be done. That is no argument against the appointment of an ombudsman.

Whilst the Government has the numbers to defeat the proposal before us we will have to accept the situation, but as I have said more than once majorities do not prove the truth or falsity of anything; majorities have often been proved to be wrong. All that majorities do is to decide matters for the time being.

If the Government votes this motion out, then its decision will not prove that an ombudsman is not warranted; nor would its decision prove that it would not be beneficial to the people of Western Australia, or that it would not be a desirable appointment. All it does is to decide for the moment that this Government will not make the appointment. I repeat: If after an appeal to the people the Labor Party is returned to office, the appointment of an ombudsman in Western Australia is assured.

Question put and a division taken with the following result:—

Ayes—19

Mr. Bickerton	Mr. D. G. May
Mr. Brady	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rowhagan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	

(Teller)

Noes—20

Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Cornell	Mr. I. W. Manning
Mr. Court	Mr. W. A. Manning
Mr. Craig	Mr. Mitchell
Mr. Dunn	Mr. Nalder
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. O'Neill

(Teller)

Pairs

Noes

Ayes	Noes
Mr. J. Hegney	Mr. Nimmo
Mr. Evans	Dr. Henn
Mr. Curran	Mr. Burt
Mr. Kelly	Mr. Williams
Mr. Sewell	Mr. Crommellin

Majority against—1.

Question thus negatived.

Motion defeated.

SUPREME COURT ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 2nd September, on the following motion by Mr. Evans:—

That the Bill be now read a second time.

MR. COURT (Nedlands—Minister for Industrial Development) [12.36 a.m.]: This Bill to amend the Supreme Court Act, 1935-1961, was introduced by the honourable member for Kalgoorlie on Wednesday, the 2nd September, 1964, and is recorded on pages 715 and 716 of *Hansard*.

The honourable member explained in detail the significance of the provisions in the Bill. The Bill, in fact, seeks to add a proviso to section 118 of the Act, and will extend certain protection against seizure in respect of the wearing apparel of a defendant or other person to the value of £50, and of his wife to the value of £50, and of his family to the value of £25 for each member thereof dependent on him; of furniture and effects, including beds and bedding, used for domestic purposes to a value not exceeding in the aggregate £250; of implements of trade to the value of £50; and of family photographs and portraits. The principle has been acknowledged in the Local Courts Act, and the Government does not oppose the Bill and supports the second reading.

MR. GRAHAM (Balcatta) [12.38 a.m.]: In the unavoidable absence of the honourable member for Kalgoorlie I desire to state that the decision of the Government is appreciated. It is a recognition long overdue. I was astounded last year to be informed by someone who was the father of eight or nine children that in respect of a debt it was proposed that everything of which he was possessed should be seized. Accordingly I asked a question in this House on the 3rd December, 1963, and it was pointed out that under the Supreme Court Act the sheriff may seize and sell

all the real and personal estate of the judgment debtor in Western Australia. None of the goods of the judgment debtor are protected against seizure from sale.

It is remarkable that in the Local Courts Act and in other ordinances for over 100 years some protection has been provided to debtors in respect of necessities such as clothing and bedding, but that under the Supreme Court Act it has been possible for a debt collector—if I might use that term—to seize from a family everything, including the clothes of a baby.

This amendment to the Supreme Court Act is long overdue, and as it practically conforms with the provisions in the Local Courts Act it would be remarkable if the Bill did not receive the unanimous support of the members of this Parliament. Before I conclude, I understand the Government is undertaking a review of many of the legal and formal Statutes.

I think the Premier and his Government would agree with me that what is provided in the Local Courts Act and here, almost word for word, proposed to be put into the Supreme Court Act, may have been appropriate at the time; but the amounts are now very much out of date, and accordingly should be stepped up to a more realistic figure.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

*House adjourned at 12.43 a.m.
(Wednesday).*

Legislative Council

Wednesday, the 21st October, 1964

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

GOVERNMENT BOARDS AND INSTRUMENTALITIES

Number, Personnel, and Functions

- The Hon. R. H. C. STUBBS asked the Minister for Mines:
Will the Minister inform the House—
(a) the number of boards, trusts, councils, and other government instrumentalities that have been in operation pursuant to or administering the various Acts of Parliament in Western Australia during the past five years;
(b) the names of the chairmen and other personnel of each organisation;
(c) the precise function of each organisation;

Meetings Held

- the number of meetings held for each of the years by each organisation;
- the annual attendance statistics of each member of each organisation during the past five years; and

Remuneration of Personnel

- the annual remuneration paid to each member of each organisation during the past five years?